

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24653 of 2020**

Arising Out of PS. Case No.-437 Year-2019 Thana- NAUBATPUR District- Patna

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Amit Kumar @ Gaya @ Gaiya, Son of Sanjay Singh, Resident of Village-  
Pali, P.S.- Naubatpur, District- Patna. At present- Teachers Colony, Naubatpur,  
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      22-09-2020                      Since as of now the Courts have not resumed normal  
  
physical hearing, the matter has been listed today for  
  
consideration through video conferencing.

The learned counsels are appearing and making  
submissions from their residence. The Court Master and  
Secretary are also part of this virtual Court proceedings from  
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with  
Naubatpur P.S. Case No.437 of 2019 registered for the offence  
punishable under Sections 506, 504, 387, 120B of the Indian  
Penal Code and Section 27 of the Arms Act.



The FIR alleges that two persons have come on motorcycle and abused the informant and fired at his shop.

It is submitted by the petitioner's counsel that owing to criminal antecedents of the petitioner, his name has been dragged in the instant case on the alleged confessional statement of co-accused Gulab Singh, who has been allowed bail in Cr.Misc. No.15538 of 2020, vide order dated 03.03.2020. The petitioner is in custody since 31.07.2019. There is no recovery of any incriminating articles to connect him with the alleged occurrence nor he was arrested at the spot. He has also enclosed medical prescriptions and case summary of treatment in respect of some medical conditions.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Danapur, District-Patna, in connection with Naubatpur P.S. Case No.437 of 2019, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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