

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29126 of 2020**

Arising Out of PS. Case No.-10 Year-2020 Thana- DINARA District- Rohtas

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AMIT KUMAR @ DURGESH Son of Bharat Singh Resident of Village-
Shakhua, P.S.- Dinara, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-11-2020 Heard learned counsel for the petitioner and Mr. Anant
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dinara P.S. Case No. 10 of 2020 registered for the offences punishable under Sections 341, 324, 307, 379, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that on bare perusal of the first information report it would appear that the specific allegation of firing has been made against co-accused Lawkush and the motorcycle was being driven by co-accused Prabhat. The another co-accused who has been named as the person who was doing lining work for the co-accused. So far as this petitioner is concerned, no allegation at all has been made against him of committing any overt act, the only allegation is that he was there along with the other co-accused.



Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein there is no specific allegation of causing any overt act against the petitioner, he has no criminal antecedent and is in jail since 27.01.2020, there being no submission on behalf of the State that his release at this stage is likely to interfere with the evidence or the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bikarmaganj, Rohtas in connection with Dinara P.S. Case No. 10 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

