

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11604 of 2021**

Arising Out of PS. Case No.-259 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Amarjeet Kumar @ Killer, S/O Sone Lal Singh, R/O Village-Mishrauliya,
P.S.-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N. A. Shamsi, Adv.
For the Opposite Party/s	:	Mr.Prem Kumar Jha, APP
For the Informant	:	Mr.Gaurav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-09-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 392 of the Indian Penal Code.

Prosecution case, in brief, is that on 31.08.2020, the informant was returning back from the bank after withdrawing cash. He was returning to his house on motorcycle. Suddenly, two persons on motorcycle overlook him and asked him to stop on showing pistol. They fled away with the cash, the informant was having with him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific overt act against the petitioner. No incriminating articles has been recovered from the conscious possession of the petitioner. The



seized motorcycle does not belong to the petitioner. The petitioner is languishing in judicial custody since 03.09.2020. The petitioner has got 02 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned counsel for the informant as well as State vehemently opposed the prayer for bail application and submit that in case diary to show that the petitioner alongwith other accused persons have committed this crime.

I perused the records including the case diary, no any incriminating articles has been recovered from the conscious possession of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Bibhutipur P.S. Case No. 259/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the



address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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