

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16687 of 2021

Arising Out of PS. Case No.-68 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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AMIT KUMAR Son of Late Nandan Ram Resident of Village - Nayatola,
Hakikatpur Belthan, P.S.- Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bakhtiyarpur
Rail P.S. Case No.68 of 2019 registered for the offence
punishable under Sections 302/34 of the IPC and section 27 of
the Arms Act.

The prosecution case in short is that the son of the
informant was shot by unknown miscreants at Bakhtiyarpur
station, as a result of which he became brutally injured and died
in the way to the Hospital.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He is simply a victim of false implication



in this case due to sheer police mechanism and maneuvering. Petitioner is not named in the FIR nor apprehended on the spot. Name of petitioner transpired in this case on the basis of confessional statement of co-accused namely Jitendra Kumar @ Lediya which has no legal value in the eye of law. Similarly situated co-accused namely Rohit Kumar has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.76681 of 2019 dated 05.03.2020. The petitioner has eight criminal antecedents and has been languishing in custody since 30.10.2019.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway J.M., Patna, in connection with Bakhtiyarpur Rail P.S. Case No.68 of 2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

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

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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