

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19416 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Aman Kumar, S/O Bishnudeo Prasad Rajak, R/O Village Maniyarchak Silha,
P.S. Muffasil, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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

4 27-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Muffasil P.S. Case No. 72 of 2020 registered for the offence punishable under Section 302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 09.09.2020. The petitioner is accused in two cases as stated in paragraph '3' of the petition.

As per the prosecution story, the informant has alleged that on 10.03.2020 while she along with her children and husband were sleeping in her house, all the twelve F.I.R.



named accused persons including this petitioner variously armed with entered in her house and asked about her son-in-law and took her husband with them and on the next day she has been informed by police that her husband was shot dead. Thereafter she along with her son and daughter reached Hospital where she found that her husband was lying dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there are general and omnibus allegations against 12 named accused persons in the F.I.R. and this petitioner is said to be one among them but there is no specific allegation of firing against this petitioner. There is no eye witness and as per allegation the co-accused Ravish had been shot at in his stomach by the son-in-law of the informant. The petitioner is in custody since 09.09.2020.

Mr. Uma Shankar Prasad Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner that there are general and omnibus allegations against 12 named accused persons in the F.I.R. and this petitioner is said to be one among them but no specific



allegation of firing is there against this petitioner, there is also no eye witness and it is pointed out that as per allegation the co-accused Ravish had been shot at in his stomach by the son-in-law of the informant and said Ravish had suffered injuries but at the same time it is being alleged that he was also present on the place of occurrence and further submission being that the co-accused Abhishek Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 30537 of 2020 and four other co-accused have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 34810 of 2020 and Cr. Misc. No. 20132 of 2021, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 72 of 2020 corresponding to G.R. No. 478 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

