

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16051 of 2021

Arising Out of PS. Case No.-409 Year-2020 Thana- PATLIPUTRA District- Patna

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AMIT KUMAR SON OF KEVAL PRASAD R/O - DANAPUR, KHAGAUL,
MODI CHAK, P.S.- KHAGAUL, DISTRICT- PATNA, PRESENT
ADDRESS- RAJAPUR MAINPURA GATE NO.28 TENANT IN THE
HOUSE OF SHAKUNTALA DEVI.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Priya Ranjan Prasad, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Sinhg, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-03-2021 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 learned

A.P.P. for the State.

The petitioner in the present case is seeking regular

bail in connection with Patliputra P.S. Case No. 409 of 2020

read with Special Case No. 6475 of 2020 registered for the

offences punishable under Section 37(b)(c) of Bihar Prohibition

and Excise Act, 2016.

The prosecution case as alleged by the informant is

that on 03.11.2020 at about 6.00 PM when the informant was

returning to his house after discharging his duty he saw that this



petitioner had entered into his house and was trying to snatch his service revolver. It is alleged that the informant with the help of his son caught the petitioner and upon inquiry he disclosed his name as Amit Kumar (petitioner) who was in drunken condition.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner was arrested from informant's house merely on suspicion. Learned counsel submits that the petitioner has got no criminal antecedent and he is languishing in jail since 04.11.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the submission of the learned counsel for the petitioner that the petitioner has been falsely implicated in this case, he has been arrested by the informant who is a police officer on mere suspicion and the allegation of attempt to snatch the service revolver of the informant is completely false as also that the petitioner is in jail since 04.11.2020 and he has got no criminal antecedent, investigation against him is complete, let the petitioner above named be released 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 Special Judge (Excise), Patna in connection with Patliputra P.S. Case No. 409 of 2020 read with Special Case No. 6475 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 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.

This application stands disposed of accordingly.

(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'.

