

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23287 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GOH District- Aurangabad

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AMIT KUMAR S/O SITA RAM PASWAN R/O VILLAGE- BHADEJA, P.S MUFASSIL GAYA, DISTRICT-GAYA AT PRESENT DAMODARPUR ROAD, HOUSE OF KUNDAN KUMAR, P.S-GOH, DISTRICT-AURANGABAD (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2021 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. Umesh Lal Verma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Goh P.S. Case No.83/2020 registered for the offences punishable under Section 411 of the Indian Penal Code and Section 25(1-b)a, 26 of the Arms Act. He is in custody since 10.09.2020. Petitioner has got three criminal antecedents as stated in paragraph '3' and he is on bail in the two cases.

The prosecution case in brief is that one Ramji Sharma, SHO, Bandeya police station submitted his written statement to the S.H.O., Goh police station stating therein that on 01.07.2020 at about 6.50 pm he along with other police personnel conducted a raid in



connection with Bandeya P.S. Case No.13/2020 at the house of one Kundan Kumar. It is alleged that on seeing the police party one person started fleeing away from the roof of the house but on chase he was apprehended. The apprehended person disclosed his name as Amit Kumar (petitioner) and confessed his involvement in robbery case of Bandeya P.S. Case No.13/2020. It is further alleged that on search from the house of petitioner Rs.45,000/- cash, a country made pistol, two live cartridges, a mobile phone and one motorcycle have been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case for over one year, investigation against him is complete but the trial is not likely to be concluded in near future.

Learned APP 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 wherein allegedly from possession of the petitioner a sum of Rs.45,000/-, a mobile phone and one motorcycle have been recovered which is connected with the Bandeya P.S. Case No.13/2020, so far as the present case is concerned, one country made pistol and two live cartridges are said to have been recovered



from the possession of the petitioner and in connection with this case he has remained in jail for over one year, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs that 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 S.D.J.M., Daudnagar, District-Aurangabad in connection with Goh P.S. Case No.83/2020, 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)

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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'.

