

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37164 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- BHAGWANPUR District- Vaishali

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Amit Kumar Singh @ Amit Kumar @ Santi Son Of Late Ajay Narayan Singh
@ Late Ajay Kumar Singh Resident of Village - Bithauli, P.S.- Bhagwanpur,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Informant : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 47 of 2021 instituted for the offences
under Sections 302, 120(B) and 34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.04.2021, and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that while he along with his
friend Rajnish Chandra Singh @ Gopal Singh were returning



home on their motorcycle and reached near Chatara Bridge at Imadpur village, then Rajnish Kumar Singh @ Raju came on his motorcycle and fired at Gopal Singh on his left temple and the informant fell down. It is further alleged that thereafter this petitioner along with his father came with an intention to kill but fled away on seeing villagers and local people.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that specific allegation of firing is against Rajnish Kumar Singh @ Raju who is alleged to have killed the friend of the informant namely, Rajnish Chandra Singh @ Gopal Singh and as far this petitioner is concerned, he has been roped with false allegation that he along with his father also came at the place of occurrence, after Gopal Singh was shot, to kill him but on seeing the villagers, they fled away as such no overt act has been alleged against them.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of learned counsel for the petitioner that the petitioner is not alleged to be the assailant of the deceased.

Learned A.P.P. for the State also vehemently opposes



the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 08.04.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 47 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that one of the bailors shall be the mother of the petitioner.

(Satyavrat Verma, J)

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