

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32674 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- DIGHA District- Patna

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AMAR KUMAR @ MUNSHI S/o Late Vinod Mahto @ Vinod Singh
Resident of Ramji Chak Brahmsthani Gali, P.S.- Digha, District- Patna
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate.
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the younger
son of the informant left his house talking on his mobile phone
saying that he will come soon but he did not return then the
informant called from his mobile to his son and his son replied
to come soon but he did not return till 11 PM. Thereafter, the
informant again called his son on his mobile, but the mobile of
his son was switched off. Then the informant started searching
his son but could not be traced out. In the next morning during
search of his son, the informant came to know that a dead body
is lying at Ramjichak Lak near the bank of river Ganges, on



which he along with his family members and people of mohalla reached there and saw that the dead body of his son Rohit Kumar is thrown after shooting him. An empty cartridge was also lying near the dead body. Thereafter, the police was informed and crowd assembled there and it came from the crowd that Horil Kumar along with 2-3 unknown miscreants have killed the deceased.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to animosity. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Horil Kumar @ Horkick, which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 29.01.2020.

Learned APP for the State opposed the bail petition.



Considering the facts aforesaid, 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 S.D.J.M., Patna in connection with Digha P.S. Case No.42 of 2020, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in 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.

(Anjani Kumar Sharan, J)

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