

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46529 of 2021**

Arising Out of PS. Case No.-456 Year-2020 Thana- ARA NAWADA District- Bhojpur

=====

AMIT KUMAR @ AMIT PASWAN S/o SRI SURENDRA PRASAD RAM
R/o MOHALLA-JAWAHAR TOLA, P.S-ARA NAWADA, DISTRICT-
BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 14-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Ara Nawada P.S. Case No. 456 of 2020 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

The brother of the informant is said to have been killed by the petitioner along with his associates and the dead body being thatched with the bricks has been found near the staircase of house of one Deep Narayan Kumar @ Golu.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the entire F.I.R. is based on conjecture and



surmises having no recital of name of this petitioner. Not only that the petitioner has been made accused in this case merely on the basis of exculpatory statement of the co-accused, Rakesh Kumar. Save and except the aforesaid confession, no cogent material has come against the petitioner during course of investigation which attracts his involvement in the alleged occurrence. Moreover, the co-accused, namely, Aman Paswan @ Bitu, has already been granted bail by this Court vide order dated 01.12.2021 passed in Cr. Misc. No. 34547 of 2021. Two more co-accused, namely, Appu Dubey and Rakesh Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2021 and 16.03.2021 passed in Cr. Misc. No. 8457 of 2021 and Cr. Misc. No. 2550 of 2021, respectively. The petitioner, who is man of clean antecedent, is rotting in judicial custody since 22.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Ara Nawada P.S. Case No. 456 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

braj/-

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

