

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39124 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- MAHARAJGANJ District- Siwan

AMIT KUMAR PATEL S/o Rajvnashi Prasad @ Rajvanshi Singh R/o
Village- Deoriya, P.S.- Maharajganj, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
	:	Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2021 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 Maharajganj P.S. Case No. 285 of 2019 registered for the offence under Sections 395, 307 and 326 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story on 29.10.2019 when the informant was managing his accounts in his shop, six persons riding on two motorcycles, with their face covered, arrived at the shop of the informant and one of them had fired gun shot from his pistol, causing injury on the leg of the informant and thereafter, the said persons had taken away one bag from his shop containing cash amount totaling to a sum of Rs. 1,00,000/-, bank passbook, cheque book etc. as also they had damaged the CCTV camera



and television apart from taking away the mobile phone and a golden chain as well.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is submitted that the petitioner is not named in the First Information Report and the similarly situated co-accused, namely, Prince Kumar Upadhyya has been released on bail by a learned coordinate Bench of this Court in Cr. Misc. No. 34972/2020. Learned counsel submits that the petitioner is in custody since 03.06.2020.

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, wherein it is the submission of the learned Senior Counsel for the petitioner that the petitioner is not named in the First Information Report, he has been taken on remand from Maharajganj P.S. Case No. 299 of 2019 under Sections 386 and 387 of the Indian Penal Code, the petitioner is on bail in all the cases stated in paragraph '3' of the present application, in this case he has remained in jail for approximately nine months, the co-accused Prince Kumar Upadhyya who is similarly situated has been ordered to be released on bail by a learned coordinate



Bench of this Court in Cr. Misc. No. 34972 of 2020 and the case of the petitioner stands on similar footing, there being no denial by learned A.P.P. for the State that the case of the petitioner stands on similar footing with the co-accused Prince Kumar Upadhyaya who has been enlarged on bail, this Court directs that the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Siwan in connection with Maharajganj P.S. Case No. 285 of 2019, 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 he would attend the learned



trial in the learned court below on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall lead to cancellation of bail bond of the petitioner and on conclusion of the trial in the present case, the petitioner shall mark his attendance in the office of Superintendent of Police, Siwan at least once in month which will be recorded, failure to mark the attendance shall be brought to the notice of the learned court below by the office of Superintendent of Police, Siwan for consequential action.

And further condition that the court below shall verify the criminal antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(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'.

