

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39060 of 2020

Arising Out of PS. Case No.-315 Year-2019 Thana- KARJA District- Muzaffarpur

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Amar Kumar Mahto @ Amar Saxena, Son of Late Rajendra Mahto, Resident of Village- Pakri, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Karja P.S. Case No. 315 of 2019 registered for the offence under Sections 393, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story while the informant was returning home after withdrawing the money, three motorcycle borne criminals intercepted him and fired two shots on him and the miscreants tried to snatch his money. In the meantime, on seeing the Police



vehicle, the miscreants started fleeing away but two of them were caught on chase. The apprehended persons disclosed the name of this petitioner also.

Learned counsel submits that the petitioner is innocent and has not committed any offence. The co-accused persons who were allegedly apprehended by the Police on chase have been admitted to bail by this Hon'ble Court. Petitioner is in custody since 10.02.2020.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of this petitioner has come in the confessional statement of the apprehended accused saying that this petitioner was acting as a liner in connection with the alleged occurrence, submission being that the petitioner has not actively participated in the occurrence and the co-accused on whose confessional statement the petitioner has been implicated in this case have already been granted bail in Cr. Misc. No. 20340 of 2020 and Cr. Misc. No. 20405 of 2020, the petitioner has remained in jail in connection with this case since 10.02.2020, investigation against him is complete and there being no submission of the State that release of the petitioner at



this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, let 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 Sri Hemant Kumar, Judicial Magistrate-1st Class, Muzaffarpur in connection with Karja P.S. Case No. 315 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 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

