

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39553 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- PAROO District- Muzaffarpur

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Amit Kumar Singh, S/O Jitendra Singh, Resident Of Village - Teja Dumari,
P.S. - Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with S.Tr.
No.49 of 2020 arising out of Paroo P.S. Case No.161 of 2019
registered for the offence punishable under Section 302/120B/34
of the Indian Penal Code.

The allegation is that the informant's brother-in-
law (*Devar*) has been shot at by co-accused Chhote Mukhiya
and killed under a conspiracy with some other persons.

Petitioner is not named in the F.I.R. and it is stated
that he is a man of clean antecedents. His implication is one day
after the occurrence by other relatives of the deceased, namely,
brother and *Mama*, who have come forward to say that the
petitioner had also fired upon the victim.



It is submitted by the petitioner's counsel that the fact that these persons have come to give their statements one day after the occurrence casts suspicion on the veracity of their statements. The statements are also at variance with the informant's statement made in the F.I.R. which has not stated about the petitioner being present at the time of the occurrence. The victim, even as per the FIR, was having a criminal antecedent and petitioner's implication is merely because of village politics as the main accused Chhote Mukhiya was earlier "*Mukhiya*" of the locality. The petitioner is now in custody since 15.04.2020.

Learned APP for the State has opposed the prayer for bail. She has submitted that the witnesses in course of investigation have stated about the petitioner's active participation and firing by him also.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned 17th Additional Sessions Judge, Muzaffarpur, in connection with S.Tr. No.49 of 2020 arising out



of Paroo P.S. Case No.161 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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