

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1885 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- BAUNSI District- Banka

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Amit Yadav @ Amit Kumar Son of Ram Lakhan Yadav Resident of Village -
Kushamaha, P.S.- Bounsi, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 08-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Bounsi P.S. Case No. 183
of 2020, registered for the offence under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, the informant and his
maternal uncle (deceased) came in the house of petitioner and
while they were sleeping in the outside of the house of the
petitioner, six FIR named accused persons came on motorcycle
and shot the maternal uncle of informant, who were identified
by the informant in the light of bulb. It is further alleged that
this petitioner, conspiring with other co-accused persons, has
committed the murder the maternal uncle of informant.

It is submitted on behalf of petitioner that specific



allegation of firing is against six other co-accused and only a suspicion has been raised against this petitioner of hatching conspiracy, whereas, there is no allegation of overt act against this petitioner. It is further submitted that as per FIR, the informant alongwith his maternal uncle were sleeping on the cot outside the house of the petitioner and six persons, named in the FIR, have made firing, as a result of which, the maternal uncle of informant died. The petitioner is in custody since 28.07.2020, having no criminal antecedent. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above named petitioner be enlarged 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/Successor Court, Banka in connection with Bounsi P.S. Case No. 183 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled 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.”

(Prabhat Kumar Singh, J.)

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