

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5052 of 2021

Arising Out of PS. Case No.-212 Year-2019 Thana- AMAS District- Gaya

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AMIT KUMAR SON OF ARVIND SHARMA RESIDENT OF VILLAGE -
BERI, P.S. - PAUTHU, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Amas P.S. Case No. 212
of 2019, registered for the offence punishable under Sections
395, 412 of the Indian Penal Code.

As per the prosecution case, some unknown criminals
robbed the trailer of the tractor loaded with 39.9 tonnes of iron
rod. On the basis of confessional statement of co-accused
Chandan Kumar name of this petitioner has come.

It is submitted on behalf of the petitioner that
petitioner is not named in the FIR. During course of
investigation, name of this petitioner has come on the basis of



confessional statement of co-accused Chandan Kumar. No looted article has been recovered from possession of this petitioner and he has not been put on test identification parade till date. Petitioner has been remanded in this case from Aurangabad Town P.S. Case No. 75 of 2020 registered under Section 30(a) of the Excise Act in which he is on bail. Similarly situated co-accused Ramesh Kumar @ Lavkush has been granted bail by this Hon'ble Court vide order dated 28.02.2020 passed in Cr. Misc. No. 8665 of 2020. Petitioner is in custody since 01.07.2020.

Considering the facts and circumstances of the case and the fact that no looted article has been recovered from possession of the petitioner and TIP has not been held till date, the petitioner above-named, is directed to 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 the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Amas P.S. Case No. 212 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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