

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6246 of 2022**

Arising Out of PS. Case No.-86 Year-2021 Thana- BIHARIGANJ District- Madhepura

Aman Singh @ Pushpraj Anand, S/O Anil Singh Resident Of Village- Sahpur,
P.S. Gwalpara, District- Madhepura,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha
For the Opposite Party/s	:	Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bihariganj P.S. Case No. 86 of 2021 (S.T. No. 224 of 2021), which was earlier registered for the offences punishable under Sections 394, 307/34 of the IPC and Section 27 of the Arms Act, but after investigation, the police submitted charge-sheet under Sections 468, 394, 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, when the brother of the informant went to his plot at Gwalpara, three persons



waylaid him and started looting him on gun-point. When he made protest, one of the accused persons fired bullet at him, which hit on his waist. Thereafter, the accused persons fled away.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the FIR is lodged against unknown persons and nobody has been made accused in the FIR. He further submits that there is no substantive evidence against the petitioner and he has been made accused only on the basis of hearsay and alleged confessional statement of the petitioner. He further submits that no incriminating material was recovered from the conscious possession of the petitioner or from his house. He also submits that investigation is complete and charge-sheet in this case has already been submitted.

The petitioner is languishing in jail since 13.06.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for



grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in two other cases, namely, Gwalpara P.S Case No. 116 of 2020 and Bihariganj P.S Case No. 68 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the nature of material against the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge – VIII, Madhepura, in connection with Bihariganj P.S Case No. 86 of 2021 (S.T. No. 224 of 2021) on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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