

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9146 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- TAJPUR District- Samastipur

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Aman Kumar Son of Ramai Thakur, R/o Village- Repura, P.S.- Waini O.P.,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2022 Heard learned counsel for the petitioner and learned

counsel for the Informant as well as learned Additional Public

Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B), 34 of the
Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, on the basis of written
report of the informant alleging therein that on 26.03.2021 when
she heard bullet sound at her home when she went down stairs
then she saw that Aman Kumar @ Kargil, Sachin Jaiswal,
Subham Kumar @ Bittu Jaiswal, Saurav Jaiswal @ Sonu and
Shalu Kumar @ Solu were firing on her son. The bullet hit his



head and body and he fell down near the bathroom in blood. After the incident all accused persons came out from the house and showing pistol left the place on two motorcycles. She further stated that all five accused persons came to her house on the pretext to make settlement of a case and killed her son. She has taken her son to Sadar Hospital Samastipur for treatment where he has been declared dead.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of firing against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that except the confessional statement of the petitioner and co-accused nothing has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.04.2021.

The learned counsel for the Informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.



Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Tajpur (Vaini O.P.) P.S. Case No. 132 of 2021, subject to the following conditions:-

1. 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 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.

3. 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.

(Rajesh Kumar Verma, J)

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