

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11582 of 2022**

Arising Out of PS. Case No.-302 Year-2021 Thana- UJIYARPUR District- Samastipur

Amit Kumar Son of Sunil Sah Resident of Village - Malhipur, P.s.-
Bhagwanpur (Tiyay O.P), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-07-2022 Heard learned counsel for the petitioner and 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 392, 307 of the Indian Penal
Code and Section 25(1-b)a, 27, 35 of the Arms Act.

According to prosecution case, as per F.I.R. is that one
Vijay Sahu has given a written application to the S.H.O.
Ujjiarpur police station stating therein that he runs a jewellery
shop at Salempur Hat under the name and style of Vijay
Jewellers. On 04.10.2021 he was sitting at his jewellery shop
then three young persons came on a Splendor motorcycle and
parked it in front of his shop. Thereafter, they entered in his



shop and put pistol to him and collected all ornaments of gold and silver and put it in a bag. Two persons sat on the motorcycle and third one was trying to sit on the motorcycle then on alarm local people assembled there and they have tried to catch them. The third person sitting on the motorcycle has fired three times. The local persons has caught third person while two other persons have been able to flee away from the spot. The apprehended person has disclosed his name Amit Kumar (petitioner and also stated about the other persons who have managed to run away from the P.O. namely Bajrangi Kumar and Deepak Kumar. The police reached on the spot and thereafter one pistol has been recovered from the apprehended person namely Amit Kumar, who was handed over to the police. The police has also recovered two empty cartridges and one live cartridge from the place of occurrence. In the incident the accused persons has taken away ornaments of gold and silver worth Rs.1,50,000/- approx.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner was on the way and he was caught handed by the local persons and handed over to the police on the basis of suspicion. He further



submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 05.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that as per allegation the petitioner has fired upon local public and one country made pistol and two empty cartridge and one live cartridge have been recovered from the place of occurrence and he further submits 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 Ujiarpur P.S. Case No. 302 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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