

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13653 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- KADAMKUAN District- Patna

Mihir Singh @ Bittu, S/o Ram Balak Rai, Resident of Village - Nasriganj
Behind the Civil Court Danapur (Yadubanshi Nagar), P.S. - Danapur, District
- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vindhkeshari Singh, Sr. Advocate

Mr. Prerna Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kadamkuan P.S. Case No. 477 of 2021
registered for the alleged offences under Sections 307, 120B, 34
of the Indian Penal Code and Sections 27 of the Arms Act.

As per prosecution case, an attempt to murder was
made on the informant by two unknown miscreants. The
informant named two co-accused persons for their involvement
in the said occurrence. The name of the petitioner transpired
during investigation.



Learned senior counsel for the petitioner submits that the petitioner is not named in the FIR and he is not involved in the occurrence in any manner. The petitioner has been named in this case on the basis of confessional statement of the co-accused Aman Kumar. The allegation against this petitioner is that he employed another co-accused Suraj Kumar for making the murderous attempt on the informant. The co-accused Suraj Kumar is a minor and it is not believable that he would make any such attempt. So, except for the confessional statement, there is nothing against this petitioner. He is in custody since 24.09.2021 and is having clean antecedent. The charge sheet has been submitted in this case. The named co-accused Rajiv Singh has been granted bail by the learned court below.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner came up during investigation and he was the mastermind behind the attempt on the life of the informant.

Perused the records.

Having regard to the facts and circumstances and submission made hereinabove and considering the fact that there appears no substantive piece of material against this petitioner on the record to connect him with the occurrence



except for some communication on mobile phone and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub Judge-10, Patna in connection with Kadamkuan P.S. Case No. 477 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

