

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13968 of 2022

Arising Out of PS. Case No.-300 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Amit Kumar @ Amit Bhagat, Son of Umesh Bhagat, Resident of Village-
Dighi Kala Purbi, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate.

For the Opposite Party/s : Mr.Jagdhara Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Anil Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Jagdhara Prasad, learned A.P.P.
for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 300 of 2020 for the offence
punishable under Sections 302, 201, 364, 420, 406 and 120B of
the Indian Penal Code.

The prosecution case, in brief, is that accused persons
named in the F.I.R. took money from the father of informant and
others for providing job in Railways. When the father of the
informant and one Rajkumar Singh asked the accused persons to



refund their money, they hatched conspiracy to grab their money and committed murder of the father of the informant and one Rajkumar Singh.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has got no criminal antecedent and there is no specific allegation against him that he had ever demanded any money from anyone. He is neither connected with the persons who are involved in providing job nor he is member of the job racket. In course of investigation I.O. has not been able to collect material to connect the petitioner to have committed the crime. Petitioner is a co-villager and due to enmity he has been made accused in the present case. Similarly situated other co-accused have already been released on bail and even one Avinash Singh @ Avinash Kumar Singh @ Alok Singh @ Langra against whom there is specific allegation that he had taken Rs.6,00,000/- to provide railway job has already been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.02.2021 passed in Cr. Misc. No. 30654 of 2020. Petitioner is nowhere connected with said Avinash Singh or with other co-accused persons for committing murder of the father of the informant and one Rajkumar Singh. Since the petitioner was nowhere concerned with the alleged



offence, he was having no apprehension that he would be arrested for the alleged crime. Petitioner is in custody since 18.01.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the parties and the taking into account the fact that the petitioner has been made accused in the present case merely on the basis of suspicion, the allegation of demand is against co-accused Avinash Singh who has already been released on anticipatory bail by a co-ordinate Bench of this Court and other similarly situated co-accused have also been released on bail and the petitioner has remained in custody since 18.01.2022, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 300 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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