

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18174 of 2022**

Arising Out of PS. Case No.-200 Year-2021 Thana- MAHARAJGANJ District- Siwan

AMIT PATEL Son of Raj Vanshi Patel Resident of Village- Deoria, P.S.-
Maharajganj, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302, 120B, of
the Indian Penal Code and 27 of the Arms Act, in connection
with S.T. No. 19 of 2022 arising out of Maharajganj P.S. Case
No. 200 of 2021.

As per the allegation in the FIR, the informant is
the ‘Asha Worker’ and her husband (deceased) was working as
courier in Sadar Hospital, Maharajganj. The further allegation in
the FIR is that there was a case under section 307 of the Indian
Penal Code against the accused persons in which the bail
application was rejected and as such they were pressurizing



them to get the matter compromised or face dire consequences.

Subsequently, her husband was found dead and she has alleged that the said accused persons may be reason behind her husband killing.

Learned counsel for the petitioner submits that she has not been named in the FIR and was also not an accused in the alleged Section 307 of the IPC. It is her further submission that the petitioner was an accused in earlier case bearing Maharajganj P.S. Case No. 199 of 2021 under Sections 307, 326, 302, 25/34 of the Indian Penal Code in which he was arrested and made confessional statement whereas he has been implicated in this case also. She submits that confession before the police has no evidentiary value and in the backdrop of the fact that he was not named in the FIR and there is no material to implicate him in this case, he deserves bail. It is her last submission that one similarly placed co-accused Samrat Kumar Singh has been granted bail vide Cr. Misc. No. 72 of 2022 dated 10.3.2022 by a coordinate of this Court.

Considering all the aforesaid facts including the fact he is in custody since 22.10.2021, charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-8th, Siwan, in connection with S.T. No. 19 of 2022 arising out of Maharajganj P.S. Case No. 200 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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