

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28260 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- BARHARA District- Bhojpur

Amit Kumar Singh Son of Sri Tarkeshwar Singh Resident of Village -
Dariyapur, P.s.- Ara Mufassil, Distt.- Bhojpur.

... .. 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. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code and Section 27 of the Arms Act.

According to the prosecution case, uncle of the
informant received a phone call that the younger brother of the
informant, namely, Rahul Kumar was shot and he was lying
injured in front of house of one Kashi Ram. When they reached
there, they have taken him and rushed to the hospital, where
doctor declared him dead.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. and his name has been transpired during investigation. He further submits that there is no eye witness of the alleged occurrence. He further submits that no cogent material has come during investigation against the petitioner and only on the basis of suspicion, the name of the petitioner has falsely implicated in the present case.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner but fairly submits that no cogent material has come against the petitioner and merely on the basis of the suspicion, the name of the petitioner has falsely been implicated in the present case. He further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Barhara P.S. Case No. 280 of 2019, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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