

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32702 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- SARMERA District- Nalanda

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Amardeep Kumar, son of Shambhu Prasad Verma, Resident of Village-
Chero, Police Station- Sarmera and District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr. Anant Kumar 1, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2022 Heard Mr. Nilendu Kumar Choudhary, learned
counsel appearing on behalf of the petitioner and Mr. Anant
Kumar No.1, 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
Sarmera P.S. Case No. 30 of 2022 for the offence punishable
under Sections 420, 379 and 511/34 of the Indian Penal Code.

As per the allegation made in the F.I.R., two unknown
persons took thumb impression of the informant on a thumb
impression machine. In course of investigation a mobile phone
was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that no such offence as alleged in the F.I.R was



committed by the petitioner. Petitioner was simply passing through the place of occurrence and while the informant raised alarm, petitioner along with other passerby were overpowered by the common men standing there and thereafter the petitioner along with others were handed over to the local police whereafter F.I.R was lodged in which petitioner has been made accused. It is further submitted that police has recovered only one mobile phone from the petitioner and the same belongs to the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has clean antecedent and is in custody since 11.02.2022.

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

Considering the nature of allegation made against the petitioner and a mobile phone which has been recovered belongs to the petitioner, petitioner has remained in custody since 11.02.2022, chargesheet has already been submitted and there is no likelihood of the trial being concluded in near future, 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 Chief Judicial Magistrate, Nalanda at



Biharsharif in connection with Sarmera P.S. Case No. 30 of 2022, 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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