

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45455 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

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AMRESH KUMAR S/o BECHAN YADAV R/o VILLAGE-DAMGARA,
P.S. AND P.O.- SHANKARPUR, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-04-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

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

Petitioner, who is in custody since 06.01.2021, seeks
regular bail in connection with Shankarpur P.S. Case No. 152 of
2020 dated 23.11.2020 registered for offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution story in brief is that several accused
persons named in the FIR including the petitioner have
committed the murder of the father of the informant when the
father of the informant had gone to market to purchase medicine
along with his son (informant) and younger brother.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case due to local politics. There is general and omnibus allegation against the petitioner. There is no specific allegation of firing against the petitioner and there is no eye witness of the occurrence. No overt act has been alleged against the petitioner. Petitioner's name has surfaced on the basis of confessional statement of co-accused Mukesh Kumar and Vivek Yadav, who have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.02.2022 passed in Cr. Misc. No. 46535 of 2021 and vide order dated 23.03.2022 passed in Cr. Misc. No. 45316 of 2021 respectively. Petitioner has clean antecedent and he is in custody since 06.01.2021.

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

Considering the aforesaid facts and circumstances of the case as well as period of custody of the petitioner, the Court below is directed to release the petitioner above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Madhepura in connection with Shankarpur P.S. Case No. 152 of 2020 dated 23.11.2020 subject



to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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