

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48096 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- NOKHA District- Rohtas

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Amit Choudhary @ Amit Kumar @ Amit Patel Son Of Munna Choudhary
Resident Of Ward No.05, Kuraicha, P.S.- Sasaram (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Raj Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Abhimanyu Raj, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Nokha P.S.Case No. 224 of 2020 for the
offences punishable under Sections 307, 353, 413, 414,
420, 427/34 of the Indian Penal Code and section 27 of the
Arms Act.

As per the prosecution case, it is alleged that
police got an information that some unknown miscreants
looted a white Scorpio bearing registration no.



BR01PK7265, reached at the place of occurrence, they found a vehicle and when they tried to apprehend the vehicle and the miscreants, who were sitting in the vehicle, all of them started firing. Thereafter one of the accused namely, Pawan Singh was apprehended from the place of occurrence and other persons succeeded to flee away.

It is submitted by the learned counsel for the petitioner that the name of the petitioner has been disclosed by the apprehended co-accused person and save and except his disclosure, there is no other material to connect the complicity of the petitioner in the present crime. It is next submitted that only because of past criminal antecedent of the petitioner, his name has been implicated in the present case, though there is no recovery of any incriminating material from the conscious and constructive possession of the petitioner and further on the basis of confessional statement, the petitioner was arrested and his statement was recorded, which is of no evidentiary value in the eye of law. Moreover, investigation of the crime is completed and the charge sheet has been submitted. It is also submitted that there is allegation of firing made against



the co-accused persons but no injury whatsoever has been inflicted to anyone.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is a habitual offender and there is multiple criminal antecedent which have been mentioned in Para -3 of the petition.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation and also the fact that the petitioner was not apprehended at the spot nor any injury has been sustained to anyone and the petitioner is in custody since 20.03.2021. let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram in connection with Nokha P. S. Case No. 224 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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