

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55005 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- BACHHWARA District- Begusarai

=====

AMIT KUMAR @ FUTTA Son of Late Moti Kumar Resident of Village-
Dargahpur, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the State : Mr.Akbar Ali, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bachhwara P.S. Case No. 246 of 2020 registered for the alleged offences under Sections 147, 148, 149, 341, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, petitioner and other accused persons opened fire on the informant and he received injury in his abdomen on getting shot at by this petitioner. The occurrence took place in the back ground that the petitioner



misappropriated Rs. 12 lakhs of the informant when they were doing contract work altogether.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. FIR has been lodged after two days of occurrence and there is no explanation for the delay. Though the informant claims the occurrence took place due to misappropriation of an amount of Rs. 12 lakhs by the petitioner, no case has been registered for the same by the informant earlier. The matter has been compromised. Hon'ble Supreme Court in a case reported in AIR 2017 page no. 745 has held that the even non-compoundable case under Section 394 of the Indian Penal Code can be compounded on restoration of amicable relationship. Charge sheet has already been submitted in this case and the petitioner is in custody since 13.01.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting there is specific allegation against the petitioner. One bullet was recovered from the abdomen of the informant.

Perused the records.

Having regard to the facts and circumstances and the submission made on behalf of the parties and further



considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 246 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

