

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47250 of 2022

Arising Out of PS. Case No.-580 Year-2021 Thana- AMARPUR District- Banka

Mithun Yadav Son of Gopal Yadav R/v- Sabalpur (Khanjarpur), P.s- Kasim Bazar, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Amarpur P.S. Case No. 580 of 2021 lodged under Sections 302, 392 of the I.P.C. and read with Section 27 of the Arms Act.

As per the prosecution case, the present case has been lodged against 3 unknown criminals against whom allegation of firing on the informant's friend is there.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that there is 3 unknown accused persons present at the time of occurrence. He submits that name of the petitioner has figured

in this case by virtue of the confessional statement of one accused namely, Ujjawal Kumar Singh. He submits that nothing was recovered from the possession of the petitioner. He was not put on T.I.P. though the informant has claimed to identify the accused persons. Learned counsel for the petitioner further submits that petitioner is in custody since 01.06.2022. He further submits that there are 3 criminal cases pending against the present petitioner and in which he is persuading bail. He further submits that charge sheet has been submitted in this case and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Court concerned Banka in connection with Amarpur P.S. Case No. 580 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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