

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57598 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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Amit Kumar @ Amit Choudhary @ Amit Patel, Son of Munna Choudhary,
Resident of Village- Kuraichak Mahavir Sthan, 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. Abhinay Raj, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 20-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Abhinay Raj, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jagdishpur P.S. Case No. 312 of 2020
registered for the offence punishable under Section 392 of the
Indian Penal Code.

The prosecution case is based on a written report of
the informant that on 29.11.2020, at about 09:00 AM, while he
was going on his Scorpio vehicle and when he reached at
Dharhara Pul, an unknown boy took lift in his vehicle and after



sometimes, the boy allegedly called 2-3 of his friends, thereafter one of the accused threatened the informant and took away the keys of the vehicle and put him off from the vehicle and took away the same.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner is not named in the F.I.R., as the same has been instituted against unknown persons, however, during the course of investigation, co-accused Pawan Singh was apprehended in connection with Nokha P.S. Case No.- 224 of 2020 wherein his confessional statement was recorded by the police and he disclosed the name of his associates, including the petitioner, showing the complicity of them in the present crime. He next submits that save and except the confessional statement of co-accused Pawan Singh, there is no other material which suggests the complicity of the petitioner in the present crime, inasmuch, as neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. He further submits that only because of his past criminal antecedent, his name has been implicated in this case, apart from other cases that too on the confessional statement of co-accused. He lastly submits that in connection with the present case, he is in custody



since 09.04.2021 and, moreover, the investigation of the crime is already completed and charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired on the confessional statement of co-accused Pawan Singh, who was apprehended in connection with Nokha P.S. Case No. 224 of 2020 and save and except the confessional statement, there is no material, apart from his period of incarceration; further, mere criminal antecedent of the petitioner cannot be the sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 312 of 2020 subject to the condition that one of the bailors will be the close relative 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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