

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60183 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- SONBERSA District- Saharsa

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AMIT KUMAR @ AMIT YADAV @ HARI BALLABH YADAV S/o
JAWAHAR YADAV R/o VILLAGE-SUHATH TEMA TOLA, WARD No. 16,
P.S-SAUR BAZAR, DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 323, 324, 307, 379, 504, 506/34 of
the Indian Penal Code and Section 27 of the Arms Act.

Seven accused persons are said to have
indiscriminately fired upon the son of the informant due to which
he received six gun shot injuries and one Umdad has also
sustained gun shot injury.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
there is general and omnibus allegation against the petitioner
and no specific allegation of assault is attributed to him. He



further submits that the petitioner is said to have fired upon the victim, Rana Yadav at his mouth, but the injury report does not corroborate with the allegation leveled in the F.I.R. He further submits that the similarly situated co-accused, namely, Wokil Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2022 passed in Cr. Misc. No. 42533 of 2021. The petitioner is rotting in judicial custody since 23.03.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sonbarsa Raj P.S. Case No. 110 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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