

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6025 of 2021

Arising Out of PS. Case No.-318 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

=====

AMRENDRA KUMAR S/o Late Raj Narayan Singh R/o village- Shobhi
Dumara, P.S.- Ara Muffasil, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 26-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Ara
Muffasil P.S. Case No. 318 of 2018 registered for the offences
punishable under Sections 498A, 304B/34 of the Indian Penal
Code read with Section 27 of the Arms Act.

As per prosecution case, there is accusation against
the petitioner and others is that he concertedly committed the
murder of informant's daughter by firing for non-fulfillment of
demand of dowry.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.10.2018 which is near about



four years. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that no occurrence has taken place as alleged in the F.I.R. Petitioner being the husband has falsely been implicated in this case. Learned counsel further submits that in para 31 and 32 of the case diary it has been mentioned that deceased fell down from the stairs of the house resulting she sustained head injury and postmortem report also clearly indicated that there is no any bullet injury on the body of the deceased. Learned counsel further submits that vide Annexure 1 the bail of Amrendra Kumar (Petitioner) has already been rejected by co-ordinate bench of this court whereby there is a direction that trial court must take immediate steps to place the petitioner on trial after passing the necessary order of commitment within one year from the date of receipt/production of a copy of this order.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

A report has also been called from the concern court where it is mentioned that present case is put up on evidence and there is nothing on record which indicates that



delay of trial is attributable to the petitioner.

Considering the facts and circumstances of the case as well as period of custody is more than three years, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 318 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner shall remain present before the learned court below on each and every date of trial without fail, failing which the bail bond shall stand cancelled.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the



time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

amitkr/-

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

