

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61235 of 2021

Arising Out of PS. Case No.-281 Year-2021 Thana- HARSIDHI District- East Champaran

Amit Singh S/o Late Jaichandra Singh Resident of Village - Kanchhedwa
Babu Tola, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Harsidhi P.S.
Case No. 281 of 2021 registered for the offences punishable
under Sections 341, 323, 307, 504/34 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, the informant gave a
written application to the S.H.O. stating therein that he was
sitting on the door in the meantime six persons came on two
motorcycle named mentioned in the FIR, started assaulting him
and everyone was carrying weapon in their hands meanwhile,



Manish Patel and Pappu Singh short him in the mouth at the behest of Abhimanyu Singh .

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of short fire upon the informant against the co-accused Manish Patel and Pappu Singh. He further submits that there is no specific allegation of overt act against the petitioner and the petitioner has no concern with the said occurrence. He further submits that nothing has been recovered from conscious possession of the petitioner. The petitioner is in custody since 16.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with B.P. No. 1275 of 2021 arising out of Harsidhi P.S. Case No. 281 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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