

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64451 of 2021

Arising Out of PS. Case No.-732 Year-2020 Thana- MAHUA District- Vaishali

Amrendra Kumar Singh, Son of Basisth Narayan Singh, Resident of
Goddarpur, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks
permission to add the village name of the petitioner in the title
portion of the petition.

Permission is granted.

Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mahua P.S. Case No.732 of 2020 registered for
the offences punishable under Sections 448, 341, 324, 307 r/w
34 of the Indian Penal Code and Section 27 of the Arms Act. He
is in custody since 09.01.2021. The petitioner has got no



criminal antecedent.

As per the prosecution story, the four named accused persons had allegedly arrived at the *Dalan* of the informant where he was sleeping with his brother Vikash Kumar. The informant has named those four accused in the FIR who were lashed with weapons and had started firing upon the informant's side.

Learned counsel submits that so far as this petitioner is concerned, he is though a resident of the same village from which the informant belongs to, he is not named in the FIR. The informant has not stated that any overt act has been committed by any other person, he has named those four persons who had committed the overt act and the petitioner is not one of them. His name has transpired in the confessional statement of the co-accused Rakesh Kumar and the said Rakesh Kumar has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.34108 of 2021.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but on noticing that the names of the assailants are specifically mentioned in the FIR, this petitioner is not named there and there is no allegation of commission of overt act against him, he has otherwise no



criminal antecedent and has remained in custody for a substantive period but the trial has not been concluded as yet, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- IX, Vaishali, Hajipur in connection with Mahua P.S. Case No.732 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

