

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65624 of 2021

Arising Out of PS. Case No.-396 Year-2021 Thana- ARA NAGAR District- Bhojpur

AMRITANSHU KUMAR @ KOHINUR Son of Jitendra Kumar Ojha
Resident of Village - Edaura, P.S.- Udwantnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner, State and
the informant.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Ara Town P.S. Case No. 396 of 2021 lodged under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution story, the accused persons
including the petitioner herein came on motorcycle and
surrounded the son of the informant, Akash Kumar and after
abusing him, it is alleged that co-accused, Ritik Kumar Singh
opened fire from his pistol which straightway hit the forehead
of the informant's son, who fell down on the ground. It is further
alleged that on the instigation of co-accused Rohit Kumar, one



Naitik Kumar opened fire which hit his right hand. Thereafter, the friends of the victim took him to the Sadar Hospital, Ara where he was declared brought dead.

Learned counsel for the petitioner submits that the specific allegation has been made against Ritik Kumar Singh and Naitik Kumar of opening fire on the victim, Akash Kumar, who succumbed to the said injuries. Although, omnibus allegation has been levelled against the petitioner herein, however, it is not alleged in the FIR that he too opened fire or assaulted the victim persons.

Taking into account the aforesaid facts that the specific allegation is against Ritik Kumar Singh & Naitik Kumar, the charge sheet has already been submitted and the petitioner is in jail since 31.08.2021 (as stated in paragraph -11 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P.S. Case No. 396 of 2021, subject to the following conditions :-

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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