

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66663 of 2021**

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

AMIT KUMAR @ VICKY Son of Narendra Kumar Gupta Resident of Village/Muhalla - Gausganj, P.S. - Aranagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Malti Kumari, Advocate
For the Opposite Party/s	:	Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Muffasil P.S. Case No. 105 of 2021, for the offence punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act later on Section 302 of the Indian Penal Code has been added.

The prosecution story, in brief, is that five unknown miscreants entered into the Punjab National Bank, Piraunta and committed dacoity. On resistance, one of the miscreants resorted to fire, which hit another miscreant resulting in his subsequent death.

Learned counsel appearing on behalf of the petitioner



submits that for the same incident, three F.I.Rs have been lodged one by bank Manager bearing Ara Muffasil P.S. Case No. 103 of 2021 for the offence punishable under Section 395 of Indian Penal Code another by Police officer bearing Ara Muffasil P.S. Case No. 104 of 2021 for the offence punishable under Section 25(1-b)a, 26 and 35 of the Arms Act and the present F.I.R. in which the petitioner has been made accused recorded on the basis of fardbeyan recorded by the Dafadar bearing Ara Muffasil P.S. Case No. 105 of 2021 for the offence punishable under Section 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act later on Section 302 of the Indian Penal Code has been added. It is submitted on behalf of petitioner that one co-accused Nitish Kumar Singh @ Golu Singh @ Nithish Kumar Singh against whom also in course of investigation it has come that he was one of the miscreants and allegation against the petitioner is also similar in nature that he along with other miscreants had looted money from the bank. There is no eye-witness of the occurrence, at best, the case is made out against the petitioner under Section 395 of I.P.C. for which F.I.R. was already lodged being Ara Muffasil P.S. Case No. 103 of 2021. The other co-accused Nitish Kumar Singh has already been enlarged on bail by a co-ordinate Bench of this Court vide order



dated 29.03.2022 passed in Criminal Miscellaneous No. 60082 of 2021. So far as the present F.I.R. is concerned, the petitioner has been made accused in the present case merely on suspicion. The Chargesheet has already been submitted. He further submits that petitioner has been made accused in Ara Muffasil P.S. Case No. 103 of 2021 and Ara Muffasil P.S. Case No. 104 of 2021 for the same incidence, therefore, petitioner was not involved in the present case and in Ara Muffasil P.S. Case No. 103 of 2021 he has already been enlarged on bail vide order dated 18.04.2022 passed in Criminal Miscellaneous No. 67549 of 2021. The petitioner has been remanded in this case on 27.07.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner has confessed his guilt and in paragraph No. 36 of the case diary, the evidence has come to that effect. The petitioner has criminal antecedent and it would not be proper to enlarge the petitioner on bail as he will become nuisance to the society.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief



Judicial Magistrate-VII, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 105 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the



petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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