

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67182 of 2021**

Arising Out of PS. Case No.-91 Year-2020 Thana- SIKRAUL District- Buxar

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AMITABH KUMAR @ CHHOTE SINGH Son of Late Baijnath Singh
Resident of Village - Narayanpur, P.S.- Sikraul, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 332, 353, 307/34 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made
pistol and two live cartridges from the possession of the
one Vikrama Yadav.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case only on
the basis of suspicion. In fact, the petitioner has been made
accused in this case merely on the basis of confessional



statement of the co-accused, namely, Vikram Yadav, who is said to have been arrested from the spot with the alleged recovery and has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 25778 of 2021. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Moreover, nothing has been recovered from the possession of the petitioner. The petitioner is rotting in judicial custody since 10.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Sikraul P.S. Case No. 91 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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