

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69663 of 2021**

Arising Out of PS. Case No.-259 Year-2021 Thana- PARSABAZAR District- Patna

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Amit Kumar @ Chhotu, Son of Sri Vijay Kumar Singh, Resident of Village-  
Sarbadahi, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bindeshwar Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      28-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Parsa Bazar P.S. Case No. 259 of 2021 registered for the alleged offences under Sections 120(B), 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the father of the informant was shot dead. The informant showed his suspicion that his three step-brothers killed his father on account of land dispute. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He has no concern either with the deceased or the step-brothers of the informant. He has been named in this case merely on the basis of confessional statement of co-accused. Nothing incriminating has been recovered from his person or possession or at his instance. There is no direct or indirect evidence against the petitioner collected during the investigation. It is apparent from the FIR that it was a family dispute for ancestral property and the petitioner could not be a beneficiary from the said dispute. The petitioner is in custody since 13.08.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was named by the co-accused and he is the person who supplied the arms and ammunitions by which the deceased was done to death by other co-accused persons.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against this petitioner to connect him with the alleged occurrence and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed



to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sub-Judge-VIII-cum-Additional Chief Judicial Magistrate, Patna in connection with Parsa Bazar P.S Case No. 259 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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