

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71072 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- DEHRI TOWN District- Rohtas

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AMRENDRA KUMAR SINGH @ BHOLA SINGH Son of Late Ram Shakal
Singh Resident of Village- Patnawa, P.S.- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16365 of 2022

Arising Out of PS. Case No.-301 Year-2020 Thana- DEHRI TOWN District- Rohtas

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PANKAJ KUMAR @ PANKAJ KUMAR SINGH @ PANKAJ SINGH Son
of Lakshaman Singh Resident of Village -Chaknha (Chaknawa), P.S.-
Indrapuri, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 71072 of 2021)

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

For the Informant : Mr. Gaurav Kumar Verma, Adv.

(In CRIMINAL MISCELLANEOUS No. 16365 of 2022)

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

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners seek bail in connection with Indrapuri



(Dehri On-Sone) P.S. Case No. 301/2020 registered for the offences punishable under Sections 147, 148, 149, 341, 326, 302, 307, 506, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant Poonam Devi has alleged that on 25.04.2020 at 9.45 pm her deceased husband was proceeding from his office on NH-2 on bullet motorcycle and near James School unknown miscreants who were 5-6 in numbers began to fire indiscriminately and her husband fell down. The miscreants managed to flee away. Her husband had been threatened on earlier occasion due to business rivalry.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The name of petitioner, namely, Amrendra Kumar has come on the basis of his self confessional statement under Section 161 Cr.P.C. and the same is not admissible under Section 25 of the Evidence Act. Initially, the case was registered against unknown, the petitioner is languishing in custody since 26.07.2021 and he bears criminal antecedent of 07 cases in which he is on bail. On the basis of confessional statement of co-accused, namely, Bimlesh Kumar, name of petitioner, Pankaj Kumar surfaced. The petitioner is languishing in custody since



16.12.2021 and he bears criminal antecedent of 02 cases in which is on bail. Nothing has been recovered from the conscious possession of the petitioners. He further submits that as per CDR, movement of the petitioners were found nearby alleged place of occurrence and the petitioners claimed that the house is situated near the place of occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence. Co-accused persons, namely, Bimlesh Kumar, Chhotu Kumar and Ravi Kant Singh have been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No.33701/2020, Cr. Misc. No.29603/2022 and Cr. Misc. No.44734/2021 and the case of petitioners stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted, FIR against unknown persons and co-accused have been granted bail by the different co-ordinate benches of this court and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge, Sasaram/ concerned Court in connection with Indrapuri (Dehri On-Sone) P.S. Case No. 301/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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