

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5935 of 2023

Arising Out of PS. Case No.-300 Year-2021 Thana- KASIMBAZAR District- Munger

AMRIT KUMAR @ AMRIT KUMAR RAUT @ DATLA SON OF
BINDESHWARI MEHTAR R/O HARIJAN QUARTER, LALLU POKHAR
ARGARA ROAD, P.S.- KASIM BAZAR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.11.2022 in connection with Kasim Bazar P.S. Case No.
300/2021, F.I.R. dated 30.10.2021, for the offences punishable
under Sections 302 of the IPC & Section 27 of Arms Act.

According to prosecution case, one vegetable seller
told the informant that his brother is lying injured in the corner
of the road. Thereafter the informant went at the place of
occurrence but his brother was not found there. The people of
thew vicinity told the informant that his brother was brought to
Sadar Hospital, Munger for treatment, where the doctor declared
him dead.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of disclosure made by local spy and self confessional statement of the petitioner and other accused person. He further submits that the confessional statement of the co-accused, namely, Vidya Sagar was recorded in which he has categorically stated that Golu Kumar has fired upon the victim and there is no allegation of any assault or overt act is attributed against the petitioner. He further submits that the statement of the co-accused lead to recovery of arms from Khajurbana. He further submits that the petitioner has no role in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 04.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M.,
Munger in connection with Kasim Bazar P.S. Case
No.300/2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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