

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17175 of 2023

Arising Out of PS. Case No.-254 Year-2020 Thana- KAHALGAON District- Bhagalpur

Amit Das @ Amrosh Das Son of Suresh Das Resident of Village - Saitpura,
Kulkulia, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 13.09.2022, in connection with Kahalgaon P.S. Case No. 254 of 2020, G.R. No. 1518 of 2020, F.I.R. dated 24.04.2020 registered for the offences punishable under Sections 302, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he took out threenut from his waist and gave to co-accused Hiran Mandal, who fired upon the informant which hit on his leg causing injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and as per allegation in the F.I.R. the petitioner provided the arms to co-accused namely Hiran Mandan who fired upon the informant which hit on his leg causing injury to him and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that co-accused person namely Srikant Mandal has been granted bail by a Coordinate Bench of this Court vide order dated 28.04.2021 passed in Cr. Misc. No. 6862 of 2021, another co-accused person namely Bhushi Mandal has been granted bail by a Coordinate Bench of this Court vide order dated 15.11.2021 passed in Cr. Misc. No. 17435 of 2021 and the main co-accused Hiran Mandal who had fired upon the informant has been granted bail by a Coordinate Bench of this Court vide order dated 11.5.2022 passed in Cr. Misc. No. 56879 of 2021, another co-accused person namely Jangli Mandal has been granted bail by a Coordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No. 32017 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.09.2022.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 254 of 2020, G.R. No. 1518 of 2020, 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 witness, 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 antecedents, 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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