

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21752 of 2022

Arising Out of PS. Case No.-349 Year-2020 Thana- BALIYA District- Begusarai

AMARJEET KUMAR @ AMARDIP KUMAR, son of Late Ramsharan Yadav @ Late Ramsaran Yadav, resident of village-Phulwaria, Ward no. 07, P.S. Ballia, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 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 petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Ballia P.S. Case No. 349/2020 registered for the offences punishable under Section 395 of the Indian Penal Code and also under Section 27 of the Arms Act.

As per prosecution case, the informant was proceeded towards Hathidah alongwith Sujit Kumar and Sanjay Mahto for purchasing husk from his Pick-up van. It is alleged that six persons on two motorcycles surrounded the vehicle and started assaulting. It is also alleged that they took away Rs.23,000/- from the informant and snatched mobile phone from Sujit Kumar and fled away with the said Pick-up van.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR during course of investigation, the name of petitioner has surfaced in this case only on the basis of alleged looted mobile set, SIM No.9304480525 was being used. The petitioner being illiterate person and has no knowledge about the same. Except this fact there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 05.02.2022 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner and the petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Prince Kumar Sah and Shambhav Kumar have already been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No.241/2022 and Cr. Misc. No.13349/2022 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail,



charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 349/2020, 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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