

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25342 of 2023**

Arising Out of PS. Case No.-2 Year-2022 Thana- KATRA District- Muzaffarpur

Amit Kumar Son Of Subodh Singh Resident Of Village- Bisautha, Ps- Katra,  
Ps- Muzaffarpur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      23-05-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
19.08.2022 in connection with Katra P.S. Case No. 02 of 2022,  
F.I.R. dated 02.01.2022 for the offences punishable under  
Sections 399 and 402 of the Indian Penal Code and Sesection  
25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, the petitioner along  
with other accused persons have committed dacoity in the house  
of one Binay Kumar. It is further alleged that one person was  
apprehended and he disclosed the name of the petitioner and



other accused persons. During search, several incriminating articles were recovered from the apprehended person.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the possession or the house of the petitioner and the petitioner is not apprehended at the spot. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the apprehended co-accused person. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 1 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 20<sup>th</sup> Additional Sessions Judge III, Muzaffarpur in connection with Katra P.S. Case No. 02 of 2022, 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)**

Vanisha/-

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