

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28384 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- PATRAKARNAGAR District- Patna

AMIT KUMAR S/O Anil Thakur GUR KI MANDI, JATAHI MANDIR,
ARFA PARK NO.10 COLONY

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Ambastha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Learned counsel for the petitioner is permitted to make necessary formal correction in the paragraph No.4 of the petition in the course of the day.
3. Petitioner seeks regular bail in connection with Patrakar Nagar P.S. Case No.482 of 2022 dated 16.08.2022 registered for the offence(s) punishable under Section(s) 332, 353, 399, 402, 411, 412, 414, 467 and 471 of the Indian Penal Code and Section(s) 25 (1-B)a, 26 and 35 of the Arms Act.
4. The main submissions advanced by the learned counsel for the petitioner are that as per the allegation levelled in the FIR, four accused persons including the petitioner were apprehended at the spot with fire-arms, knife



and other objectionable materials but as per the allegation only one knife, mobile phone, cash of Rs.8,000/- and two live cartridges were allegedly recovered from the possession of this petitioner and against him the investigation has been completed in the present matter and one similarly situated co-accused person namely Kumar Gaurav @ Gaurav Kumar @ Rishu has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.12576 of 2023 and petitioner has been dragged in this case due to high handedness of police. Further submission is that though against the petitioner there are criminal antecedents of three cases but out of said cases the petitioner was remanded in Patrakar Nagar P.S. Case No.469 of 2022 after his arrest in the present matter and in third case of his antecedent bearing Alamganj P.S. Case No.443 of 2017 he has been granted bail and he has been languishing in jail since 16.08.2022 in the present matter.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly the completion of investigation against this petitioner and the privilege of bail having been granted to above-mentioned co-accused person, in the opinion of this Court a



lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Patrakar Nagar P.S. Case No.482 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

- (I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.
- (II) 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.
- (III) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

