

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30903 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- KAUWAKOL District- Nawada

Amit Kumar @ Tunni Singh, S/o Anil Kumar @ Anil Singh, Resident of
Village-Charaul, P.S. -Kawakol (Rupoh), Distt.- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Choudhary, Advocate
For the State	:	Md. Ataur Rahman, APP
For the Informant	:	Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Kawakol (Rupoh) P.S. Case No.84 of 2023 registered for
the offences punishable under Sections 302 read with 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner named in the FIR and is in
custody since 23.03.2023.

Allegation against the petitioner is to commit
murder of son of informant along with other co-accused persons
by causing firearm injuries, where occurrence is arises out of
non-fulfilment of extortion money of Rs.5 lakhs.

It is submitted by learned counsel that informant is
not the eye-witness of occurrence and entire implication is



based upon the hearsay input of one Satish and Jagdeep Kumar as per the narration of FIR. It is submitted that even that narration is to be taken into consideration, the allegation to cause fatal firearm injury is not available against this petitioner rather same is available against co-accused Sunand Kumar @ Chootu Singh. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by Md. Ataul Haque, learned counsel appearing on behalf of the informant while opposing the prayer for bail submitted that the petitioner actively participated in present occurrence of murder.

In view of above-mentioned facts and circumstances, as entire implication is based upon the hearsay input, where informant is not the eye-witness of the occurrence, coupled with the fact that specific allegation to cause fatal firearm injuries is not available against the petitioner, who is in custody since 23.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Nawada in connection with Kawakol (Rupoh) P.S. Case No.84 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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