

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36592 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- SOHSARAI District- Nalanda

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AMIT KUMAR SON OF SURESH KUMAR SINGH RESIDENT OF
DWARIKA COMPLEX BOCHA CHAK, FULWARISHARIF KHAGAU
RAOD, P.S.- FULWARISHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 18-01-2023 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

Sohsarai P.S. Case No. 18 of 2022 registered for the offences

punishable under Sections 394/302 of the Indian Penal Code

read with Section 27 of the Arms Act.

As per prosecution case, informant is running

Jeweler Shop in the name of Nandlal Jewelers. It is alleged that

four miscreants on two motorcycles entered the shop, looted

ornaments and started open firing upon informant's son as a

result of which his son sustained injury and after that



informant's son was referred to PMCH for treatment and in the way he died. It is further alleged that all miscreants were of the age group of 20-25 years and they managed to flee away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 22.02.2022 and bears criminal antecedent of two cases out of which he is on bail in one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of present petitioner has been surfaced upon the self confessional statement which has got no evidentiary value. Except self confessional statement there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel for the petitioner further submits petitioner is not the owner of car in question rather he is the driver of the said car. Petitioner has been falsely implicated in the present case only on the basis of suspicion and confessional statement and he has nothing to do with the alleged occurrence. Nothing has been recovered from the possession of the petitioner nor he was apprehended from the place of occurrence. As per the confessional statement it appears that petitioner has



not participated in commission of crime nor he was present at the place of occurrence at the relevant time.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., IV, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 18 of 2022, 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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