

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39760 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Amit Ray @ Amit Kumar @ Chhote Sarkar Son Of Ganesh Ray Resident Of
Village- Harpur Ailoth, Ps- Musarigharari, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.01.2023 in connection with Samastipur Muffasil P.S. Case
No. 556 of 2022, F.I.R. dated 25.11.2022 for the offences
punishable under Sections 302, 120B of the Indian Penal Code
and Section 27 of the Arms Act.

3. According to prosecution case, the husband of the
informant shot dead by accused persons including the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation on the basis
of the confessional statement of the co-accused and except the



confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of the petitioner, the arms in question which was used in the present crime in question has been recovered and apart from the aforesaid, tower location of the petitioner also suggest that he was present near the place of occurrence. He further submits that the petitioner carries five criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Samastipur Muffasil P.S. Case No. 556 of 2022 pending in the court of learned Additional Chief Judicial Magistrate II, Samastipur.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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