

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40327 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- BARH District- Patna

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AMARJEET KUMAR SON OF SHARWAN YADAV R/O GULAB BAG,
DHARM KANTA, PS- BARH, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Barh P.S. Case No. 58 of 2023 registered for the offence
punishable under Section 395 of the Indian Penal Code.

3. As per prosecution case, about 10 to 12
unknown miscreants came with pistol at site of BSCPL
Infrastructure Limited situated at Neemchak, Barh Four Lane
(NH-31) where bridge work was going on and looted several
articles. It is further alleged that the miscreants also assaulted



with butt of pistol causing injury to two persons, namely, Sooraj Patel and Dhiraj Patel. Hence, FIR has been registered against 10-12 unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR. Learned counsel at para 6 of the bail petition has mentioned that during course of investigation on 10.02.2023 the investigating officer received confidential information from the technical expert cum S.H.O., Barh and traced out the name of petitioner and on that information the investigating officer apprehended the petitioner from his house but no incriminating article has been recovered from the house of the petitioner rather one mobile phone has been recovered and petitioner is claiming that said mobile is of petitioner. He further submits that petitioner has not been put on TIP. Co-accused Banti Kumar @ Ayush Kumar has already been granted bail by the co-ordinate Bench of this court and the case of present petitioner stands on similar footing. Petitioner is in custody since 11.02.2023. Petitioner bears criminal antecedent of one case of similar nature in which petitioner is not named in the FIR and in the said case he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.



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

6. 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, co-accused has already been granted bail by the co-ordinate Bench of this court, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Barh, Patna in connection with Barh P.S. Case No. 58 of 2023, 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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