

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45608 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- GARKHA District- Saran

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AMARJIT KUMAR SON OF KANHAI MAHTO RESIDENT OF MAIKI
VAHIAWAN TOLA, P.S.- GARKHA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 09.05.2023 seeks
bail, in connection with Garkha P.S. Case No.114/2023, dated
03.03.2023, for the offences punishable under Sections 399,
402, 324, 307, 332, 353, 34 IPC & Sections 25(1-B)a, 26 and 35
of the Arms Act.

3. According to prosecution case, one country made
pistol along with three live cartridges have been recovered from
the possession of co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case merely
on the disclosure made by co-accused namely Ravindra Mahto.
He further submits that from perusal of the F.I.R. as well as



seizure list it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from other accused persons and from the house of co-accused namely Rajesh Singh and except the disclosure of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one similar nature of criminal antecedent other than the present one but fairly submits that the name of the petitioner has been transpired on the basis of disclosure made by the co-accused.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Saran at Chapra in connection with Garkha P.S. Case No.114/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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