

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49804 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- KALYANPUR District- Samastipur

AMIT KUMAR @ AMIT KUMAR RAI SON OF BIRMAL RAI @ VIRBAL
RAI RESIDENT OF VILLAGE- MANIYARPUR, PS- WARISNAGAR,
DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No.313 of 2022 registered for the offence
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 13.10.2022.

4. The allegation against the petitioner is to
commit murder of the brother of the informant, by causing
firearm injury.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was remanded in this case on



the basis of confession, which was obtained in Kalyanpur P.S. Case No.318 of 2022, where, in furtherance of which, no incriminating material recovered/surfaced, during course of investigation, as to connect this petitioner, *prima facie*, with present occurrence of murder. It is submitted that save and except suspicion, arises out of mobile conversation, nothing appears substantive against this petitioner. While concluding the argument, it is submitted that petitioner found involved in 03 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion, as arises from mobile conversation coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 13.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Kalyanpur P.S. Case No.313 of 2022, 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 Sessions Judge, 10th,
Samastipur/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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