

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57659 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- AMARPUR District- Banka

Bhagwan Das Son Of Late Bijo Das Resident Of Village - Mainama, P.S-
Amarpur, District Banka, Pin- 813211

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 08.06.2023, in connection with Amarpur P.S. Case No. 415 of 2023, G.R. No. 1969 of 2023, F.I.R. dated 07.06.2023 registered for the offences punishable under Sections 302, 120(b) of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused involved in scuffle with the deceased and in collaboration with other co-accused namely Rahul Kumar shot the deceased with country made pistol due to which he sustained injuries and died during treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in



the present case due to admitted land dispute between the husband of the informant and co-accused person namely Anil Das and Yogendra Das. He further submits that it appears from the F.I.R. it appears that there is direct and specific allegation against co-accused person namely Rahul Kumar who fired upon the husband of the informant and there is no accusation of any assault or overt act attributed against the petitioner and at best the petitioner was present at the place of occurrence and the postmortem report of the husband of the informant suggests that only one firearm injury was found on the chest of the husband of the informant and there was no anti mortem injury on the person of the husband of the informant. The petitioner is in custody since 08.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case, 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 Court of Chief Judicial Magistrate, Banka in connection



with Amarpur P.S. Case No. 415 of 2023, G.R. No. 1969 of 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 witness, 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 antecedents, 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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