

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64656 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- AMARPUR District- Banka

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Pramod Singh S/O Late Mahesh Prasad Singh Village- Rampur, Ps- Rajaun,
Dist- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 338 of 2023, lodged on 14.05.2023
under Sections 307/34, 302/34 of the Indian Penal Code read
with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against 8 to 10 unknown accused persons against whom
there is an allegation that they have fired on the informant along
with one Kashi Tanti and during the said firing the informant
sustained bullet injury on the right hand and leg whereas, Kashi
Tanti sustained bullet on his stomach and chest due to which he
fell on the ground and subsequently, admitted to the hospital and
during treatment, he died.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that FIR has been lodged against unknown accused persons and the petitioner and informant are resident of same village and they are well known to each other. Counsel further submits that there is not even any suspicion has been casted in the FIR against him.

5. Learned counsel for the petitioner submits that the name of the petitioner has come in this case by virtue of during investigation as the tower location of the petitioner was found within 1/2 kilometer from the place of occurrence on the said date. Counsel also submits that by virtue of the confessional statement of the petitioner himself he has been made accused. Counsel further submits that in the present case, there is no eye witness and no supportive material witness against the petitioner.

6. Learned counsel for the petitioner submits that the petitioner is in custody since 21.05.2023 and there is one criminal antecedent of the petitioner in which he is on bail.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that he is completely unaware that



whether charge has been framed in this case or not.

8. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though there is no direct allegation against the petitioner, but the CDR location of the petitioner's mobile was identified within the periphery of 1/2 kilometer from the place of occurrence on the said evidence.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No. 338 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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