

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70744 of 2023

Arising Out of PS. Case No.-724 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Amit Kumar, S/O Anil Kumar Mandal @ Anil Mandal Village- Sarvodya
Nagar Ward No. 22, P.S.. Khajanchi Hat, Sahayak, Dist. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
K.Hat (Sahayak) P.S. Case No. 724 of 2023, lodged on
12.06.2023 under Sections 307, 504, 506 and 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 4 named accused persons including the present petitioner.
It has been alleged in the FIR that at the evening time, when the
informant was sitting in his shop, then in the meantime firing was
started and those persons who started firing fled away and upon
observing the CCTV footage, the petitioner and one other
accused person were identified. It has also been alleged that they
have attacked on the establishment of the informant with a view
to kill.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He also submits that nobody has seen the occurrence and the petitioner has been identified subsequently. He also submits that by the said firing, no one injured. Counsel further submits that there are 4 criminal cases pending against the petitioner. Counsel also submits that in one case the petitioner has been acquitted and in rest three cases he is on bail.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 14.06.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present petitioner has been identified from the CCTV footage and firing may result into death of anyone. Counsel also submits that the antecedent of the petitioner is not clean and there are 4 criminal cases though he is acquitted in one case, therefore, at the time of granting bail to the petitioner, this aspect may be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **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., Purnea in connection with K.Hat (Sahayak) P.S. Case No. 724 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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