

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67537 of 2022

Arising Out of PS. Case No.-377 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Amit Kumar Dixit Son of Yugul Dixit @ Yugul Kishor Dixit Resident of
Village - Raghunandanpur @ Chmaripatti, P.S.- Phulwariya, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul Kumar
		Mr. Shailendra Kumar Dwivedi, Advocates
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 04-07-2023 Heard Mr. Anshul Kumar, learned counsel appearing
for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
13.07.2022, in connection with Siwan Muffasil P.S. Case No. 377
of 2019, F.I.R. dated 08.10.2019 registered for the offences
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 07.10.2019 at
about 11 P.M. the informant along with her husband were talking
then her *gotani* Poonam Kuar and the petitioner Amit Kumar
Dixit came and her *gotani* ordered the petitioner to fire.
Petitioner Amit Kumar Dixit fired upon head her husband and
fled away by motorcycle but the *gotani* was apprehended by her



son and daughter.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the informant is not an eye witness to the alleged occurrence and it is clear from paragraph-8 of the case diary in which the statement of the daughter of the deceased was recorded and she has categorically stated that the informant was along with deceased but she was at the position of sleeping. He further submits that from bare perusal of the F.I.R. it appears that before institution of the F.I.R. the inquest report was prepared on 08.10.2019 at about 01:15 A.M. and postmortem was conducted between 02:35 AM to 3:00 A.M. on 08.10.2019 but the present F.I.R. was instituted on 08.10.2019 at about 08:00 P.M. before filing the F.I.R. the postmortem was conducted. He further submits that co-accused Poonam Kuar has been granted bail by a Coordinate Bench of this court vide order dated 23.02.2021 passed in Cr. Misc. No. 38473 of 2020, another co-accused Anjali Devi has been granted bail by a Coordinate Bench of this court vide order dated 11.02.2022 passed in Cr. Misc. No. 48078 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner



and the petitioner is in custody since 13.07.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail.

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 Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 377 of 2019, 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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