

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71873 of 2022**

Arising Out of PS. Case No.-132 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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AMIT KUMAR @ AMIT SINGH S/O LATE UDHO SINGH @ UDIT
NARAYAN SINGH Resident of village- Achchechak, P.S.- Sahebpur Kamal,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.08.2022, in connection with Sahebpur Kamal P.S. Case No.
132/2022, F.I.R. dated 17.05.2022, for the offences punishable
under Sections 342, 386, 307, 326, 384, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, four F.I.R. named
accused persons and 4-5 unknown having armed with weapons
surrounded the father of the informant and co-accused namely,
Lalit Vijay Singh fired two rounds upon him with his pistol.
Thereafter the father of the informant was taken to hospital for
treatment.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired on the basis of re-statement of the informant. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioner, who was unknown in the F.I.R. In second part, there is specific allegation against co-accused namely, Lalit Vijay Singh, who fired upon the father of the informant. He further submits that the petitioner was remanded in the present case from Sahpur Kamal P.S. Case No. 135/2022 on 12.08.2022 and there is no allegation of any assault or firing attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of Smt. Kiran Chaturvedi, ACJM, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 132/2022, 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 witnesses, 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 antecedent, 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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