

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73800 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- SUPAUL District- Supaul

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AMIT KUMAR @ AMIT KUMAR YADAV son of Lakshman Yadav @
Lachman Yadav Village- Laukaha, Ward No-9, Ps- Supaul Laukaha (OP)
Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Supaul
P.S. Case No. 520 of 2023 registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, petitioner along with five
co-accused persons were going to commit dacoity and they were
apprehended by the police. It is further alleged that one loaded
country made pistol was recovered from possession of the
petitioner and after unloading the said pistol one cartridge was
found. It is further alleged that from possession of each co-
accused, namely, Sanoj Kumar, Priyanshu Kumar and Suraj



Kumar, one loaded country made pistol was also recovered and after unloading the said pistols, one cartridge in each pistol was found. It is further alleged that from possession of each co-accused, namely, Bhanu Kumar and Amit Kumar, one cartridge was recovered.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the present case. Petitioner is in custody since 28.06.2023. He further submits that prior to lodging of the present case, petitioner bears no criminal antecedent rather petitioner has been remanded in four cases after institution of the present case and petitioner has not been named in any of the four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, 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, Supaul in connection with Supaul P.S. Case No. 520 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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