

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75269 of 2022

Arising Out of PS. Case No.-516 Year-2021 Thana- SITAMARHI District- Sitamarhi

Amit Kumar, son of Asharfi Shah, resident of Mohalla- Koat Bazar, Ward No. 12, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State, in virtual mode.

2. The petitioner who is in custody since 19.08.2022 seeks regular bail in connection with Sitamarhi P.S. Case No. 516 of 2021 for the offence punishable under Sections 399 and 402 of the Indian Penal Code.

3. The prosecution story, in brief, is that one *chilam*, key of Honda motorcycle, one ATM card, blade, small piece of cloth, string and knife were recovered from the possession of one co-accused namely Chhote Dubey @ Nand Kushore Dubey.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody since 19.08.2022 having no criminal antecedent. He further submitted



that petitioner is not involved in any manner for the offence as alleged in the F.I.R. against him. Petitioner was not apprehended on the spot. The arrested co-accused persons due to enmity have disclosed the name of the petitioner while they were apprehended on the spot. Charge sheet has already been submitted and on these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation made against the petitioner, nothing was recovered from the possession of the petitioner rather the recovery was made from the possession of one co-accused namely, Chhote Dubey @ Nand Kishore Dubey who has already been released on bail vide order dated 21.02.2022 passed in Cr. Misc. No. 63551 of 2021 and two another co-accused named in the F.I.R. have also been released on bail by this Court. Charge sheet has already been submitted. The petitioner is in custody since 19.08.2022 having no criminal antecedent. The trial is also not likely to be concluded in the near future.

7. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 516 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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