

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15367 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- RAGHOPUR District- Supaul

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Amit Kumar, aged about 21 years, Son of Damodar Paswan, Resident of village - Simri, P.S. - Bhaptiyahi, District – Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S. Tr. No. 453 of 2023 arising out of Raghapur PS Case No. 197 of 2023 instituted for the offences punishable under Sections 307, 302, 394/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant along with one Dilip Kumar Yadav was going on motorcycle, three miscreants on a motorcycle stopped their motorcycle and fired upon the informant and Dilip Kumar Yadav, due to which informant sustained fire arms injury and Dilip Kumar Yadav succumbed to injuries. It is further submitted that the miscreants



also took gold chain and gold ring from the possession of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. Petitioner is not named in the FIR and his name surfaced from the confessional statement of co-accused Rupesh Kumar during course of investigation. Neither the petitioner caught at the spot nor any incriminating articles have been recovered from the possession of the petitioner rather one country made pistol and one empty cartridge have been recovered from the house of co-accused Rupesh Kumar. Petitioner is in custody since 25.05.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Supaul dated 11.01.2024, it appears that petitioner is not named in the FIR and his name surfaced in this case on the basis of confessional statement of co-accused Rupesh Kumar, during course of investigation. Similarly situated co-accused persons namely Vikash Kumar @ Bikki Yadav @ Vikki Yadav, Jitendra Kumar and Pappu Kumar Mehta @ Pappu Kumar, have been granted bail by a co-ordinate



Benches of this Court in Cr. Misc. Nos. 79062 of 2023 and 2312 of 2024 vide orders dated 09.01.2024 and 29.01.2024 respectively, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Birpur, Supaul in connection with S. Tr. No. 453 of 2023 arising out of Raghapur PS Case No. 197 of 2023.

(Ramesh Chand Malviya, J)

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