

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20224 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Amit Kumar @ Amit Kumar Singh @ Happy Singh S/o Kaushlendra Singh
@ Uday Shankar Singh @ Kumar Vimlendr Singh R/o vill - Sahwajpur, P.S. -
Shyampur Bhathan, Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshari Kumar, Sr. Advocate
Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2024 Heard Mr. Vindhya Keshari Kumar, learned Srnior
counsel for the petitioner assisted by Mr. Ravi Shankar Pathak
and Md. Matloob Rab, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
16.12.2023, in connection with Shyampur Bhatha P.S. Case No. 36
of 2023, F.I.R. dated 19.04.2023 registered for the offences
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The informant alleged that the petitioner and his
companions have killed his son by inflicting gun shot injury.

4. Learned Senior counsel for the petitioner submits
that the petitioner is innocent and he has been falsely implicated
in the present case merely on the basis of suspicion. He further



submits that on bare perusal of the F.I.R. it appears that the informant is not an eye witness to the alleged occurrence and even no one has seen the alleged occurrence. He further submits that co-accused persons namely Nitesh Kumar @ Nitesh Singh and Guddu Singh @ Dhiraj Singh against whom the similar allegation and their names have come on the basis of suspicion have been granted bail by this Court and a Coordinate Bench of this Court vide order dated 15.09.2023 passed in Cr. Misc. No. 47730 of 2023 and vide order dated 08.11.2023 passed in Cr. Misc. No. 57271 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.12.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired during investigation and apart from that the petitioner carries six more cases other than the present one but fairly submits that on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

6. 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 A.C.J.M. 1st, Sheohar in connection with Shyampur Bhatha P.S.



Case No. 36 of 2023, 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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