

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35791 of 2024

Arising Out of PS. Case No.-74 Year-2021 Thana- BARGAINIA District- Sitamarhi

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Aman Parashar @ Ram Singh Son of Ajay Kumar Singh @ Ajay Singh
Resident of Village- Pachtaki Ram, P.S.- Bairstania, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv.
	:	Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

9 04-10-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bairstania P.S. Case No. 74/2021 registered for the offences
punishable under Sections 399, 402, 414 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, four miscreants are
apprehended at the place of occurrence namely Himanshu Jha,
Manish Yadav, Manish Kumar and Vivek Kumar and they
disclosed the name of petitioner and other who fled away from
the place of occurrence. There is alleged recovery of one loaded
country made pistol from wrist as well as one live cartridge
from the pocket of co-accused Himanshu Jha.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The name of petitioner transpired in this case on the basis of confessional statement of co-accused. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 11.10.2021 and bears criminal antecedent of 09 cases and in all cases he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner and he is not apprehended on the spot. He further submits that seizure list has not been prepared as per law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Apprehended co-accused Himanshu Jha has already been granted bail by this Court vide Cr. Misc. No.42868/2022 and the case of present petitioner stands on better footing as he is not apprehended on spot.

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

6. Considering the facts and circumstances of the case, period of custody, he is not apprehended on the spot, co-accused has already been granted bail, charge sheet has already



been submitted in this case and there is no likelihood of tampering with the prosecution evidence and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, I/c, Sitamarhi in connection with Bairgania P.S. Case No.74/2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he



shall get his presence marked before the officer-in-charge of the
concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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