

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42348 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- PIPRA District- Patna

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Amarjeet Kumar S/o Vijay Kumar Singh @ Vijay Prasad R/o Village
Brahmapur Kalyan Chowk PS Pipra District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2024 Heard Mr. Bimlesh Kumar Pandey, learned

counsel for the petitioner, Mr. Santosh Kumar Singh, learned

counsel for the informant and learned Mr. Ganesh Prasad

Singh, APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with S.Tr.

No. 924 of 2023 arising out of Pipra P.S.Case No.29 of 2023,

FIR dated 17.03.2023 registered for the offences punishable

under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of

the Indian Penal Code.

3. The prosecution case, the petitioner along with

other co-accused persons assaulted the informant and his

family members due to which the wife of the informant

sustained injury and later she died.



4. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Court for grant of regular bail Cr. Misc. No 48224 of 2023, but the same was rejected vide order dated 19.09.2023 and thereafter, the petitioner again moved before this Court for grant of regular bail in Cr. Misc. No 32086 of 2024, but the same was dismissed as withdrawn with the liberty to file a fresh petition for grant of regular bail before the learned trial court. He further submits that the petitioner has clean antecedent, although, there is specific allegation against the petitioner that he assaulted to the deceased but it appears from the FIR that due to admitted land, dispute the present occurrence had taken place and from a bare perusal of the FIR, it appears that there is no repitition from the side of the petitioner and apart from that, the co-accused persons, against whom there is also allegation of assault, namely Sonu Kumar and Deepak Kumar have been granted privilege of anticipatory bail vide order dated 01.11.2023 passed in Cr. Misc. No 66030 of 2023 and co-accused persons namely Vijay Kumar Singh @ Vijay Prasad and Sanjeet Kumar @ Tunnu Kumar have also been granted privilege of anticipatory bail vide order dated 04.08.2023 passed in Cr. Misc. No 41642 of 2023 by this



Court and co-ordinate Bench of this Court.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct allegation of assault against the petitioner and vide order dated 27.06.2024, a report was called for with regard to the stage of trial and report dated 06.07.2024 of the learned trial court reveals that charge has been framed against the petitioner on 22.06.2024 and all the prosecution's witnesses are yet to be examined.

6. Considering the aforesaid facts as well as report of the learned trial court and background of the present occurrence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- 2nd, Patna, in connection with S.Tr. No. 924 of 2023 arising out of Pipra P.S. Case No. 29 of 2023, subject to the following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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