

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43514 of 2024

Arising Out of PS. Case No.-1091 Year-2023 Thana- ALAMGANJ District- Patna

Aman Kumar Rai S/o Anil Kumar Ray R/o village- Pato Ki Bagh, Patna City,
P.s.-Alamganj, district-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Raj Krishna Jha, Advocate Mr. Arvind Kumar Mouar, Advocate
For the Informant	:	Mr. Ranjan Kumar Jha, Advocate Mr. Rana Pratap Singh, Advocate Mr. Sanjeev Kumar @ Deepak Sahay, Adv.
For the Opposite Party	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2024 Heard Mr. Raj Krishna Jha, the learned counsel for the petitioner, Mr. Ranjan Kumar Jha, the learned counsel for the informant and Mr. Jagdhar Prasad, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Alamganj PS Case No. 1091 of 2023, FIR dated 29.11.2023, registered for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, the son of informant, who went to attend the marriage ceremony of his cousin brother, suffered bullet injury due to firing made at ceremony and he later succumbed to his injury.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and name of petitioner transpired during investigation on the basis of confessional statement of co-accused person namely, Chandan Kumar and informant has not stated anything about the petitioner, even in his re-statement he has not stated the name of the petitioner and one Shiwam Kumar has suggested on the basis of information furnished by another person that petitioner was also involved in the present crime in question. He lastly submits that except the aforesaid, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the confessional statement of Chandan Kumar was recorded in which he has firmly stated that he along with the petitioner has fired upon the victim.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and



merely on the basis of confessional statement of Chandan Kumar, petitioner has been made accused in the present case, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Patna City, where the case is pending in connection with **Alamganj PS Case No. 1091 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial



Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court 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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