

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47778 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Aman Kumar Son of Betilal Rai Village- Bahera, P.S.- Majorganj, Dstt.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Krishna Murari, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in Majorganj P.S. Case No. 329 of 2023, instituted for the offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the accused persons along with the petitioner were involved in killing the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the F.I.R., name of the petitioner has transpired on the basis of confessional statement of co-accused Arun Kumar Singh which has no evidentiary value. There is no specific allegation levelled against the petitioner, rather the allegation is general and omnibus in nature. The specific allegation of firing is on co-accused Arun Kumar Singh. The petitioner is in custody since 22.11.2023 and has got four criminal antecedents in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 27857 of 2024 and order dated 29.04.2024 passed in Cr. Misc. No. 33019 of 2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Majorganj P.S. Case No. 329 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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