

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61211 of 2023

Arising Out of PS. Case No.-131 Year-2018 Thana- BARUN District- Aurangabad

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AMIT SINGH @ AMIT KUMAR SINGH son of Dhananjay Kumar @
Dhananjay Singh Village- Satyendra Nagar Ps- Aurangabad Town Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barun
P.S. Case No. 131 of 2018 registered for the offences punishable
under Sections 394, 302, 120(B) of the Indian Penal Code read
with Sections 25(1-b), 26/27/35 of the Arms Act.

3. As per prosecution case, petitioner alongwith co-
accused Shravan Paswan is said to have advised the co-accused
Govind Paswan to earn through execution of committing crime of
loot. On said advice, while committing the crime of loot, the said
co-accused have shot the driver of Scorpio car in question.

4. Learned counsel for the petitioner submits that
petitioner has not played any role in the said occurrence as on the
date of occurrence, the petitioner is in jail custody in connection



with Barachatti P.S. Case No. 155 of 2015 under Section 366(A) of the Indian Penda Code and the petitioner has falsely been implicated in the present case on the basis of the statement of co-accused. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. On similar and identical allegation, Sarvan Paswan @ Shravan Paswan has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 18657 of 2022 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 29.10.2018 which is more than five years and he bears criminal antecedent of one case. He further submits that pace of trial is slow and the delay of the trial is not in any way attributable to the petitioner as he is in custody since 29.10.2018. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody under gone by the petitioner which is more than five years, on similar and identical allegation, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 131 of 2018, 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.

(Alok Kumar Pandey, J)

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