

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61690 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- GWALPARA District- Madhepura

AMRENDRA KUMAR @ AVRENDRA KUMAR SON OF KAMAL
MANDAL RESIDENT OF VILLAGE- SINHWARI FAKIRAN TOLA @
FAKIRNA TOLA, PS- GWALPARA, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gwalpara P.S. Case No. 202 of 2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, on 21.09.2022 the
informant's son went outside the house after attending a phone
call but he did not return. Thereafter search was made but
informant's son could not be traced. On 22.09.2022 dead body
of informant's son was found. Hence, FIR has been registered
against unknown.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that petitioner is not named in the FIR and during course of investigation, his name has been surfaced upon the confessional statement of co-accused Abaren Kumar and Dhrub Mandal and except the aforesaid confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that during course of investigation, it came to fore that deceased was active member of gang led by co-accused Dhrub Mandal and soon before the present occurrence some dispute arose over the distribution of looted material. He further submits that no incriminating article has been recovered from possession of the petitioner. Petitioner is in custody since 02.03.2023 which is near about one year. Petitioner bears criminal antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Moreover, co-accused, Niranjan Kumar @ Niraj has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 30649 of 2023 and case of present petitioner is identically same and on the principle of parity, petitioner deserves bail.



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, co-accused on similar and identical allegation 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 Judicial Magistrate, 1st Class, Uda Kishunganj, Madhepura in connection with Gwalpara P.S. Case No. 202 of 2022, 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 each and every date and his absence on a single date 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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