

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45810 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- KHAJEKALA District- Patna

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Amit Kumar @ Chhotaki S/o Shankar Prasad Resident of (Mutuliganj Pani Tanki) Harnaha Tola, P.S.- Mehandiganj, Districct- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-07-2025 Heard Mr. Harish Kumar, learned counsel for the

petitioner and the State.

2. The petitioner is in judicial custody in connection with Khajekala P.S. Case No. 66 of 2025 for the offence punishable under Sections 109, 308(4), 308(5), 3(5) of Bhartiya Nayay Sanhita, 2023 and section 27 of the Arms Act lodged on 19.02.2025 by the informant, Prem Raj Sah.

3. As per the prosecution story, the informant alleged that as he was sitting near the 'Shitla Mata Mandir' when the accused persons came which included the petitioner herein. It is alleged that Shibu always used to demand extortion and on the said date also, he snatched gold chain from his neck and upon protest, opened fire causing injury in his abdomen. As the people assembled, the accused including the petitioner escaped.



This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been tagged with the accused Shibu, neither the allegation of extortion nor opening of fire is on him, he has already remained in custody since 26.02.2025.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Considering the aforesaid submissions of the parties as also the fact that the main allegation is against Shibu of extortion/opening fire, he has been alleged to be standing beside him, has remained in custody since 26.02.2025, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M.1st Class, Patna City, in connection with Khajekala P.S. Case No. 66 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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