

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81972 of 2024

Arising Out of PS. Case No.-556 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Amit Ray @ Amit Kumar @ Chhote Sarkar S/O Ganesh Ray Resident of
Village- Ailoth P.S- Musarigharai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Rajiv Nayan, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
16.01.2023 in connection with Samastipur Muffasil P.S. Case
No. 556 of 2022, F.I.R. dated 25.11.2022 registered for the
offence punishable under Sections 302 and 120(B) of IPC and
Section 27 of Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 18.09.2023 passed in Cr. Misc.
No.39760 of 2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Although the petitioner is named in the FIR but it



appears from the FIR that he is not named in the accused column and the name of the petitioner has been transpired during investigation on the basis of the self-confessional statement of the petitioner and other co-accused persons and one arm has been recovered from possession of the petitioner and separate FIR has been instituted under the Arms Act against the petitioner bearing Mufassil P.S. Case No. 557 of 2022. Further submits that number of co-accused person, namely, Sujeet Kumar @ Kabadiwala has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.05.2023 passed in Cr. Misc. No.25167 of 2023, co-accused persons, namely, Bhola Rai Chandan Kumar @ Bhola Yadav and Deepak Kumar @ Kuldeep @ Deepak Ray has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide orders dated 06.07.2023 and 26.06.2023 passed in Cr. Misc. Nos.22868 of 2023 and 23131 of 2023 respectively. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.01.2023.

5. Vide order dated 28.11.2024, a report was called for with regard to the present stage of the Trial. Report of the learned Trial Court dated 03.01.2025 reveals that although the



charge has been framed against the petitioner on 22.11.2024 but the prosecution has not examined any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and several co-accused persons have been granted privilege of anticipatory bail or regular bail by different Coordinate Benches of this Hon'ble Court.

7. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that earlier the prayer for bail of the petitioner was rejected on merit and apart from that, the petitioner carries five more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid fact, report of the learned Trial Court, several co-accused persons have been granted anticipatory bail or regular bail by different Coordinate Benches of this Hon'ble Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur in connection with



Samastipur Muffasil P.S. Case No. 556 of 2022,with the following conditions:-

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

(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 court below 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 court below 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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