

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8729 of 2021**

Arising Out of PS. Case No.-274 Year-2020 Thana- AWTARNAGAR District- Saran

AMIT KUMAR GAUTAM @ MINKU S/O RAMJI SINGH @ NUNU
SINGH Resident Of Village - Dooria, P. S. - Autar Nagar, District - Saran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma,Sr. Advocate Mr.Anuj Kumar,Advocate
For the Opposite Party/s :		Mr.Dr.Kumar Uday Pratap,APP
For the Informant	:	Mr.Binod Krishna Sinha,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-04-2021

Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned Senior counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Autar Nagar P.S. Case No. 274 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 447, 323, 324, 307, 379, 325 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits that the allegation against the petitioner is of assaulting and looting the informant and his family members by means of lathi, farsa



and iron road causing grievous injuries to them.

Learned Senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there are general and omnibus kind of allegation that all accused persons have assaulted but the injury report does not corroborate the same because only 3 injuries have been found on the body of the informant. It is further submitted that there is counter case giving another version of the entire occurrence. The petitioner is in custody in connection with the present case since 26.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned Senior counsel for the petitioner that in the First Information Report there are 9 named accused persons, the specific allegation of causing assault has been made against co-accused Kamleshwar Singh and Bishwaranjan Kumar Singh at the first instance and thereafter on the co-accused Ramji Singh, so far as this petitioner is concerned, he is said to be a member of the mob, there are general and omnibus allegations that all of them have



assaulted but the injury report does not corroborate the general and omnibus allegations because only 3 injuries have been found on the body of the informant, there is counter case also vide Annexure '2' on the record giving another version of the entire occurrence, the petitioner is in jail in connection with the present case since 26.10.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, in the nature of the materials placed before this Court and in course of submission learned counsel for the informant admits that so far as this petitioner is concerned, he comes within the general and omnibus kind of allegation, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra, in connection with Autar Nagar P.S. Case No. 274 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and



(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

