

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31045 of 2017

Arising Out of PS.Case No. -284 Year- 2016 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Kundan Kumar, S/o Ram Badan Singh @ Ram lagan Singh, Resident of
Village-Mahathwar, P.S.-Harnaut, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Upadhyay, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 06-07-2017

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Sessions Trial No. 322
of 2017 arising out of Noorsarai P.S. Case No. 284 of 2016
registered under Sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, accused Shrawan
Yadav is said to have resorted firing on the temporal region of the
Mukhiya by means of pistol, while Dinesh Yadav resorted firing
on his arm by means of pistol. Thereafter Shrawan Yadav and
Kamlesh Yadav resorted firing upon the waist of the Mukhiya and
he succumbed to injury. Accused persons are said to have fled
away from the place of occurrence on the Bolero vehicle driven by
the petitioner.



It is submitted by learned counsel for the petitioner that the petitioner does not happen to be the assailant of the deceased rather is said to be mere driver of the vehicle. He is not named in the F.I.R. His name was surfaced in the case on the basis of the confessional statement of co-accused Ranjeet Kumar Yadav. Another co-accused, namely, Adhir Yadav who is not named in the F.I.R. has been enlarged on bail by a co-ordinate bench of this court vide order dated 03.05.2017 passed in Cr. Misc. No. 19094 of 2017. The petitioner has been languishing in custody since 28.02.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 3rd, Biharsharif, Nalanda in connection with Sessions Trial No. 322 of 2017 arising out of Noorsarai P.S. Case No. 284 of 2016.

(Prakash Chandra Jaiswal, J)

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