

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53031 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -DELHA District- GAYA

=====

1. Kundan Kumar, s/o Munni Prasad, Resident of Village- Dularganj, P.S.-
Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Smt Sangeeta Sharma, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with S.T. No.
60/17/410/17 arising out of Delha P.S. Case No. 82 of 2017 for
offences punishable under Sections 307/34 of the Indian Penal
Code and Section 34 of the Explosive Substance Act and later on
Section 302 was added.

The prosecution case, as lodged by the informant, is
that while his son Pappu Kumar along with Dindayal Kumar was
going on his motorcycle, co-accused Umesh Paswan hurled bomb
at him, as a result he was seriously injured and while he was being
taken for treatment, he succumbed. The allegation upon the
petitioner is that he was seen along with co-accused Umesh



Paswan running away along with some un-known persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case and the occurrence took place on railway yard where many people were walking here and there and the petitioner had no connection with the accused Umesh Paswan. He submits that no overt act has been alleged to have been committed by the petitioner and that he is languishing in judicial custody since 27.04.2012. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was seen in the company of the main assailant, Umesh Paswan.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Additional District Judge-II, Gaya , in connection with S.T. No. 60/17/410/17 arising out of Delha P.S. Case No. 82 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property



within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

sushma/-

U		T	
---	--	---	--

