

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38853 of 2018

Arising Out of PS. Case No.-437 Year-2017 Thana- KOTWALI District- Munger

Kundan Kumar son of Vijay Mandal, resident of Mohalla- Madhopur, P.S.-
Basdeopur Kotwali (Munger), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
05.12.2017 in connection with Kotwali (Basudeopur) P.S. Case
No. 437 of 2017 registered for the offence punishable under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the informant-
police personnel, is that during patrolling duty they found six
persons under the banyan tree in suspicion condition. Three
accused persons having seen the police personnel fled away, but
three of them were arrested, who disclosed the name of the other
co-accused, including the petitioner. On search, from the
possession of the petitioner, one loaded country made pistol



with a live cartridge was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and another apprehended co-accused in whose possession also some live cartridges were recovered, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 20120 of 2018 vide order dated 02.05.2018. He submits that the petitioner is languishing in judicial custody for more than seven months and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases of similar and more serious nature are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in



connection with Kotwali (Basudeopur) P.S. Case No. 437 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/ Ragini

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

