

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70622 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- SARAI District- Vaishali

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Kundan Kumar, Son of Sri Nagendra Prasad Sharma, R/o Village- Jai Prakash
Nagar, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in Sarai P.S. Case No. 160/18
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code.

The informant who is wife of the deceased has alleged
that on 21.07.2018 at about 6.30 p.m., she got an information
that her husband was shot dead by some unidentified persons.
She reached near the place of occurrence where she was
informed that three accused persons travelling in a car had given
a fire shot upon her husband due to which he died.

It has been submitted on behalf of the petitioner that he
has been implicated in this case merely on the basis of
suspicion. It has further been submitted that the petitioner is an



engineer and he was going with Manoj Sharma in the vehicle as he was assured by him to be provided a job as Manoj Sharma was a contractor. Petitioner has no criminal antecedent and he is in custody since 06.08.2018. Similarly placed co-accused, Shiv Das has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.10.2018 passed in Cr. Misc. No.58054 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Sarai P.S. Case No. 160/18 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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