

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56177 of 2018

Arising Out of PS.Case No. -24 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Kundan Kumar @ Kundan Yadav, S/o Anand Yadav, R/o Village
Purana Dharhara (Bigha Par), P.S. Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-10-2018 Earlier prayer for bail of the petitioner was dismissed twice vide order dated 23.06.2018 passed in Cr. Misc. No. 19944 of 2017 and vide order dated 08.02.2018 passed in Cr. Misc. No. 1012 of 2018, in connection with Barachatti (Mohanpur) P.S. Case No. 24 of 2016 for the alleged offences punishable under Sections 307, 341, 323, 504, 506, 34 and 302 with observation that petitioner may renew his prayer for bail after framing of charge in this case.

Allegation against the petitioner and others is of assault to the father of informant causing his death and specific allegation against the petitioner is of assaulting him by means of chopper.

Submission of learned counsel that although, there is



allegation against the petitioner is of assaulting the deceased by means of chopper, which is a sharp edged weapon, however, the postmortem report suggests that injury caused to the deceased was found to be inflicted by hard and blunt substance and there is allegation against other accused persons also of assault by means of *khanti* and other weapons. Moreover, petitioner has been in judicial custody for last two years and uptil now even the charge has not been framed.

Learned counsel for the State could not controvert the above submission of learned counsel for the petitioner.

Having heard both sides, in view of the above facts, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge –IX Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 24 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or



tamper with the evidence.

- (iii)
- The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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