

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7734 of 2019

Arising Out of PS. Case No.-47 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

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KUNAL SINGH, aged about 30 years, Male, son of Asharfi Singh, Resident
of village- Bangari Kudia, Police Station- Piprakothi, District- East
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Priyesh Kumar, Adv.
For the Opposite Party : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-02-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
01.05.2018 in connection with Dumariaghat P.S. Case No. 47 of
2018 for the offences alleged under Sections 387, 384, 386 and
34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he is owner of petrol pump and brick kiln. While he was
sitting at his door, along with the villagers, one person, namely,
Shashi Kumar Singh, had approached him and stated that the
petitioner told him to demand rupees ten lakh as ransom.

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 the allegation is false and
baseless and it is only on hear-say that the petitioner has been



made accused. He was not present at the place of occurrence and charge has already been submitted, there being no allegation of tampering with the prosecution witness. He, further, submits that the co-accused have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 30136 of 2018, dated 10.05.2018 and Cr. Misc. No. 70846 of 2018, dated 31.10.2018. He submits that just because the petitioner has a criminal antecedent he has been made accused in the present case and is languishing in judicial custody since more than nine months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and four cases against him are pending, some for serious offences.

However, considering the facts and circumstances and the materials on record as well as the period of custody and the nature of allegations and that other co-accused persons have already been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Dumariaghat P.S. Case No. 47 of 2018 to the satisfaction of the learned Chief Judicial



Magistrate, East Champaran at Motihari, subject to the following conditions :

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

(ii) 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)

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