

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14015 of 2019

Arising Out of PS. Case No.-41 Year-2000 Thana- SIKARPUR District- West Champaran

KUNDAN RAM @ KUNDAN KUMAR, aged about 64 years, Male, son of Late Bigan Ram, Resident of Village- Chintawanpur, P.S- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar Dwivedy, Adv.
For the Opposite Party/s : Mr.Amitesh Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-03-2019 Let the Defect No. 6 as pointed out by the office be ignored for the present.

Heard the learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with S.T. No. 341 of 2010 arising out of Shikarpur P.S. Case No. 41 of 2000 registered for the offences punishable under Sections 447, 341, 323, 324, 436/34 of Indian Penal Code.

The petitioner was granted bail in this case on 23.07.2002, but his bail bond was cancelled in the year 2008 because of his non appearance. Thereafter, petitioner was declared absconder. Petitioner was apprehended by the police on 16.07.2018.

It has been submitted on behalf of the petitioner that



he will not misuse the privilege of bail any further. It is further submitted that the petitioner went to Punjab to earn his livelihood but the Pairvikar did not do the pairvi of the case properly as a result of which the bail bond of the petitioner was cancelled. The petitioner is in custody since 16.07.2018 and as such he may be granted regular bail.

Considering the nature of allegation against petitioner, I am not inclined to grant bail to the petitioner. Accordingly the prayer for bail is rejected at this stage.

However, petitioner **after framing of charge** be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-Vth, Bettiah, West Champaran, in connection with S.T. No. 341 of 2010, arising out of Shikarpur P.S. Case No. 41 of 2000, with 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 represented on each and every date fixed by the court.
- (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.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

With the aforesaid liberty this criminal miscellaneous stands disposed of.

(S. Kumar, J)

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