

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17102 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- GADHPURA District- Begusarai

KUNDAN KUMAR, aged about 18 years, (M), Son of Ramashish Mahato
R/o village- Kumbhi, P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Adv.

For the Opposite Party/s : Mr.Renuka Ratnakar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 04-04-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 399, 402, 414 of the
Indian Penal Code, Section 25(1-b)a, 35, of the Arms Act and
Section 30(a)/32 of Bihar Prohibition and Excise Act, 2016.

As per F.I.R., during patrolling duty, a passenger
car was found and on seeing the police one co-accused with a
pistol managed to flee away. The vehicle was intercepted and
the petitioner along with four other co-accused were in the
vehicle. On search from the possession of the petitioner two
mobile was recovered but from search of the vehicle five live
cartridges and two bottles of 375 ml. of illicit liquor was
recovered.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 14.03.2019 passed in Cr. Misc. No. 15830 of 2019.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gadhpura P.S. Case No. 05 of 2019, subject to 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.

(S. Kumar, J)

Rajiv/-

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