

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2953 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- DHAKA District- East Champaran

Kundan Kumar Jha @ Kundan Kumar (M) aged about 28 years S/O- Upendra
Jha R/o Village- Dhanhara, P.S. - Shyampur Bhatahan, Distt.- Shivhar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 25-02-2019

Heard learned counsel for the parties.

Petitioner seeks bail in **Dhaka P.S. Case No. 277 of 2018** registered for the offence punishable under Sections 353, 332, 224, 225, 307, 120 (B) and 34 of the Indian Penal Code and later on Section 302 IPC also added and under Section 25(1-B)a, 26 and 27 of the Arms Act.

Informant who is a police officer has stated in his written complaint that on 16.07.2018, from Motihari Jail 21 prisoners were sent to produce before the court, in which one prisoner Abhishek Jha told him for urination and thereafter when he return, he threw chilli powder upon his face and tried to flee away. In the meantime four criminal who came to set him free started firing upon him, in the firing prisoner Abhishek Jha was injured and fell down and when other police personnel tried



to catch them they fled away. Thereafter, police recovered one pistol, three live cartridges and three empty cartridges.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case only on suspicion. He is not named in FIR. He has not put on Test Identification Parade. Name of the petitioner has surfaced in this case on the basis of confessional statement of other co-accused. He is in custody since 31.07.2018.

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 **S.D.J.M., Sikarhan, Dhaka at East Champaran (Motihari)**, in connection with **Dhaka P.S. Case No. 277 of 2018**, 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)

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