

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.962 of 2020

Arising Out of PS. Case No.-66 Year-2019 Thana- ASANWA District- Siwan

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KUNDAN KUMAR SINGH @ KUNDAN SINGH Son of Bhupendra Singh
Resident of Village-Santhi, P.S-Raghunathpur, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anurag Saurav

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-07-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Aasaon Police Station Case No. 66 of 2019, registered for the
offences punishable under Sections 395/397 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3/4 of the
Explosive Substances Act.

The allegation against the petitioner is that the
petitioner, along with others, entered into the jewellery shop of
the informant, committed robbery and upon resistance being
made by the brother and nephew of the informant, the accused
persons started firing, in which the brother and nephew of the
informant got injured.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He further submits that the occurrence has taken place on 22.06.2019, but the First Information Report has been lodged on 23.06.2019 and the fardbayan was recorded in Paras Hospital, Patna. He further submits that the First Information Report has been registered against unknown and no Test Identification Parade has been conducted by the police. He further submits that no incriminating material has been recovered from the possession of the petitioner and similarly situated co-accused persons have been granted bail by this Court in Criminal Misc. Nos. 74630 and 82790 of 2019.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner has got criminal antecedent and he is accused in three other criminal cases of similar nature. He further submits that in paragraph 39 of the case diary, it has been mentioned that the police raided the house of the petitioner and he was caught with one country-made pistol along with one live cartridge. He, referring to paragraphs 97 and 98 of the case diary, submits that the injured witnesses have identified the petitioner as one of the miscreants. He, thus, submits that the



petitioner is a habitual offender and does not deserve privilege of bail.

Learned Counsel for the petitioner, in reply, submits that similarly situated co-accused persons have been granted bail despite the fact that a large number of cases are pending against them inasmuch as against co-accused Pankaj Rao, 16 cases are pending.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has been identified by the injured witnesses on the basis of CCTV footage, the petitioner has criminal antecedent and at the time of arrest, illegal arms along with live cartridge were also recovered from his possession, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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