

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7870 of 2020**

Arising Out of PS. Case No.-43 Year-2017 Thana- IMAMGANJ District- Gaya

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KUNDAN YADAV @ KUNDAN @ BRAHMDEO YADAV @ SAHDEO
YADAV @ KUNDAN JEE Son of Ramchandra Yadav Resident of Village -
Chak Aduaria, P.S.- Mahatoo, Distt.- Palamu, State - Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari

For the Opposite Party/s : Mr.Ashok Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 07-07-2020 The matter has been taken up through virtual Court
proceeding.

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

The petitioner is languishing in jail since 6.2.2020 in a case
registered for the offences punishable under Sections
147,148,149,364,337,302,380 and 120B of the IPC, Section 27
of the Arms Act and Section 17 of the Criminal Law
Amendment Act. Hence, prayer for bail has been made through
the present application.

The prosecution case, as per the fardbeyan of Pintu Paswan
recorded by the Inspector-cum-SHO, Imamganj Police Station is
to the effect that on 13.3.2017 at 8.30 P.M., the informant was



going out from his house when he saw that Abhyas Bhuiyan alias Prem alias Sengal is planting cane bomb in front of the informant's house. On protest being made, they resorted to fire whereupon the informant concealed himself. In the meantime, all the FIR named 21 accused persons including the petitioner entered into the house of the informant and abducted the father of the informant, namely, Kaushal Paswan. Subsequently, the dead body of Kaushal Paswan was recovered from the embankment of the river, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that the the accusation is general and omnibus agianst 21 accused persons. It is further submitted that similarly situated co-accused Jitendra Paswan has been granted bail by a Co-ordinate bench of this Court vide order dated 25.9.2019 passed in Cr. Misc. No. 45784 of 2019. Though the petitioner is accused in six other cases but in all those cases he has been named only on the basis of suspicion. The investigation has already been concluded.

Learned APP submits that though there is no eye witness to the killing of the informant's father but the petitioner is named in the FIR and he entered into the house of the informant.

Considering the fact that the accusation is omnibus



and general against 21 accused persons, the materials on record do not suggest any eye witness to the killing of the informant's father, similarly situated co-accused has been granted bail, the investigation already being concluded, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM, Sherghati, Gaya in connection with Imamganj P.S. Case No. 43 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, Gaya including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further



extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

In view of the criminal antecedent of the petitioner, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions.

This application is accordingly disposed of.

(Dinesh Kumar Singh, J)

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