

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26318 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- KUDHNI District- Muzaffarpur

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KUNDAN KUMAR Son of Vinay Sahi @ Vinay Kumar Sahi Resident of
Village- Anant Kamtaul, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Surendra Pd Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-10-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Kudhani Police Station (for brevity, PS) Case No 41 of 2020 instituted for the offence punishable under Sections 399, 402, 414/34 of Indian Penal Code and Sections 25 (1-b) a, 26, 35 of Arms Act.



Prosecution case is that four persons were arrested and three persons fled away. Recovery of arms and ammunition has been alleged on the apprehended persons.

Petitioner's counsel submits that one of the arrested persons Aman Kumar, from whom country made pistol and live cartridges have been recovered, has stated the petitioner's name in his confessional statement leading to implication of the petitioner and his arrest on 25.01.2020. Such implication has no legal sanctity. Admittedly, there is no recovery of arms and ammunition from the petitioner's possession even as per prosecution case. It is further submitted that petitioner bears clean antecedent.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, West Muzaffarpur in Kudhani PS Case No 41 of 2020 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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