

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23123 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- BODHGAYA District- Gaya

RAHUL PANDEY @ RAHUL KUMAR S/o Dharmendra Pandey Resident of
Village- Nebatpur, P.S.- Bodh Gaya, Distt- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26437 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- BODHGAYA District- Gaya

KUNDAN KUMAR S/o Durga Singh Resident of Village-Nima Budhoul
Vishunpur, P.S-Amas, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23123 of 2020)

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate

For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 26437 of 2020)

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-11-2020 Heard Mr. Ranjeet Tiwary and Mr. Vishwa Ranjan Choudhary, learned counsel for the petitioner in Cr. Misc. No. 23123 of 2020 and Cr. Misc. No. 26437 of 2020 respectively, Dr. Mrityunjay Kumar Gautam and Mr. Nawal Kishore Prasad learned Additional Public Prosecutors appearing for the State in Cr. Misc. 23123 of 2020 and Cr. Misc. No. 26437 of 2020



through video conferencing.

Learned counsel for the petitioner Kundan Kumar submits that inadvertently, the name of the petitioner has wrongly been typed in the bail petition as “**Kundan Kumar**” instead of “**Kundan Kumar Singh**”. The correct name of the petitioner has been mentioned in Vakalatnama. Learned counsel further submits that he has already filed supplementary affidavit for correction of the name of the petitioner in the bail petition, on 15.10.2019. As such, let name of petitioner “**Kundan Kumar**” be corrected in the cause title as “**Kundan Kumar Singh**” instead of “**Kundan Kumar**”.

Petitioners seek regular bail in connection with Bodh Gaya P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 399, 402, 411 of the Indian Penal Code 1860 and Section 3/4 of F.I.M.A. 1999.

The allegation as per the First Information Report is that during course of investigation Bodh Gaya P.S. Case No. 335 of 2019, one Rahul Pandey (petitioner of Cr. Misc. 23123 of 2020) was apprehended and upon enquiry, he disclosed that some persons were planning to commit murder of Ravi Kant Pandey etc. and on the basis of statement made by Rahul Pandey, the Police arrived and conducted raid in the house of



Gauri Shankar Pandey and recovered one loaded pistol, Mobile Phone and Rs.42,280/- cash as well as 5,000/- foreign currency of Argentina. The Mobile phones have been recovered from the petitioners Rahul Pandey as well as Kundan Kumar Singh.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and from perusal of the First Information Report and the seizure list it would be evident that only Mobile phones have been recovered from possession of the petitioners and no incriminating articles have been recovered from possession of the petitioners. Learned counsel for the petitioner Rahul Pandey further submits that petitioner has got no criminal antecedent and he is in custody since 12.01.2020.

On the other hand, learned counsel for the petitioner Kundan Kumar Singh submits that one case has been registered against the petitioner bearing Bodh Gaya P.S. Case No. 114 of 2019 registered under Section 307 of the Indian Penal Code and only Mobile phone belonging to the petitioner has been recovered by the Police and he is in custody since 28.02.2020.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that petitioners are in custody since 12.01.2020 and 28.02.2020



respectively, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 17 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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