

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23702 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- RIGA District- Sitamarhi

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KUNDAN KUMAR, S/o Sri Ram Babu Mahto, Resident of Village-
Rikhauli, P.S.- Dumra, Dist. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 307/34 of the
Indian Penal Code and 25 (1-b) a/26/35 of the Arms Act.

The prosecution case in short is that on 03.02.2020 at
09.45 AM when the informant was at his medicine shop three



persons came there on motorcycle without number plate and two of them opened fire on the informant but any how the informant was saved.

Learned counsel the petitioner submits that the petitioner is innocent and has committed no offence and has been falsely implicated in this case. It further submits that the entire allegations as levelled against the petitioner is wrong, false and concocted. On the basis of confessional statement of co-accused who apprehended by the police disclosed his name of the petitioner. There is no any incriminating articles has been recovered from the house of the petitioner during raid by the police. The petitioner is in custody since 02.03.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.

On perusal of the case diary and the material available on record, it appears that the petitioner along with other co-accused persons had come to the shop of the informant and had opened fire on the informant. It further transpired on perusal of record that the petitioner was caught from the place of occurrence. There is no any incriminating articles has been recovered from the conscious possession of the petitioner.



In the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Riga P.S. Case No. 35/2020 to the satisfaction of the learned Judicial Magistrate-1st Class, Sitamarhi. **The court below is directed to accept the bail bond of the petitioner after ensuing election i.e. on 08.11.2020.**

(Anjani Kumar Sharan, J)

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