

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27582 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- KARJA District- Muzaffarpur

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KUNAL KUMAR S/o Randhir Kumar Resident of Village-Rupauli, P.S.-
Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

At the outset, learned counsel for the petitioner has submitted that in para 1 of the bail petition, inadvertently PS case No. 08 of 2020 has wrongly been typed instead of Karja PS Case No. 254 of 2019. Let it be read as Karja PS Case No. 254 of 2019.

Heard both parties.

The petitioner seeks bail in Karja P.S. Case No. 254 of 2019, registered for the offence punishable under Section 307/34 of the Indian Penal Code and section 27 of the Arms Act.

The informant alleged that on 14.09.2019 at 21 hours, Bhabhi of Ritik Kumar died in an accident and after postmortem the dead body was being carried from ambulance to village



Gaurigava. Informant was riding the bike and Ritik Kumar sat behind. As soon as the ambulance crossed Karja P.S. near UP Dhava, three boys came on Scooty and told them to stop the bike. when the informant did not stop the bike, then one person on the Scooty fired at him, which hit the informant. Thereafter the accused persons fled away. The informant was taken to hospital for treatment.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on his self confession made in connection with Karja PS Case No. 255/2019. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner has been remanded in this case from Karja P.S. Case No. 255 of 2019. Petitioner is in custody since 25.11.2019.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Muzaffarpur in connection with Karja P.S. Case No. 254 of 2019, subject to following



conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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