

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78855 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- GAMAHAIRIYA District- Madhepura

KUNDAN KUMAR Son of Shyam Sharma @ Wakil Sharma Resident of
Village- Chikni Kharh, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 16-09-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through

video conferecing.

Petitioner is in jail custody since 9.10.2018 in
connection with S.T. No. 30/19 (arising out of Gaahariaya P.S.
Case No. 124/2018) registered for the offences punishable under
Sections 341, 323, 324, 325, 307, 354, 504 and 506/34 of the
Indian Penal Code and 27 of the Arms Act.

Earlier, the bail petition of the petitioner was rejected
by this Court vide order dated 28.3.2019 passed in Cr. Misc.
No. 1559/2019 giving liberty to him to renew his prayer for bail
after six months.

However, the perusal of order dated 28.3.2019 passed



in Cr. Misc. No. 1559/2019 goes to show that the above stated liberty was given to petitioner taking note of this fact that petitioner had no criminal antecedents but present petition reflects that petitioner does have criminal antecedent of two cases. Therefore, it is an obvious that the observation given in Cr. Misc. No. 1559/2019 was based on account of placing wrong facts before the Court, therefore, in my view, the observation given in Cr. Misc. No. 1559/2019 is worthless.

Considering the aforesaid facts and circumstances as well as submissions of the parties, again, I am not inclined to release the petitioner on bail and, accordingly, his prayer for bail stands rejected.

However, the petitioner may renew his prayer for bail on completion of three years in custody, if his trial is not concluded within the above stated period.

(Hemant Kumar Srivastava, J)

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