

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27838 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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KUNAL KUMAR @ KUNAL GAUTAM Son of Sri Tuntun Singh @ Rajesh
Kumar Singh Resident of Village- Jaitiya, P.S.- Cherki and District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate Mr.Gajendra Kumar Singh, Advocate
For the Informant	:	Mr. Durgesh Nandan, Advocate
For the Opposite Party/s	:	Mr.Aditya Narayan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-10-2021 Heard Mr. Manish Kumar No.2, learned counsel for

the petitioner, Mr. Durgesh Nandan, learned counsel for the

informant and Mr. Aditya Narayan Singh, learned A.P.P. for the

State.

Petitioner, in the present case, is seeking regular bail
in connection with Magadh Medical P.S. Case No. 77 of 2020
registered for the offence under Section 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act. He is in custody
since 16.01.2021 having no criminal antecedent as stated in
paragraph '3' of the application.

Learned counsel for the petitioner submits that in the
First Information Report altogether six persons are named
together with 3-4 unknown who had indulged in the alleged



occurrence while playing the cricket in the field, however the specific allegation of firing on the son of the informant (since deceased) is against co-accused Guddu Kumar @ Guddu Singh. The case of this petitioner stands on similar footing with the co-accused Jitesh Kumar, Mukesh Kumar and Nitesh Kumar who have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 24956/2020. The petitioner has, otherwise, no criminal antecedent.

Learned counsel for the informant as well as learned A.P.P. for the State does not dispute the contention that so far as this petitioner is concerned, he is not the assailant and further that he is standing similar to the co-accused who have been granted bail by learned coordinate Bench of this Court.

Considering the aforesaid aspect of the matter wherein this petitioner is not the assailant and is similarly situated to those who have been granted bail by learned coordinate Bench of this court as also that the trial is not likely to be concluded in near future as the evidence has yet not begun, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV,



Gaya in connection with Magadh Medical P.S. Case No. 77 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

