

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29910 of 2021

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

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KUNDAN KUMAR @ KUNDAN KR SINGH @ KUNDAN SINGH SON
OF GANESH SINGH Resident of Village - Bhawalpur, P.s.- Morhowrah,
Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.P.K.Shahi, Sr. Adv.
Mr.Ram Binod Singh, Adv.
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-10-2021 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Learned senior counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in connection with Marhowrah
P.S. Case No.596 of 2019, registered for the offence punishable
under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333,
307, 302, 504 and 120(b) of the Indian Penal Code and sections
25(1-b)a/26/35/27 of the Arms Act.

Allegation against the petitioner along with other accused



persons is said to have assaulted the police personnel by in discriminate firing over them due to which police personnel got injured and accused persons snatched pistol and AK 47 from them.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place in the manner described in the FIR. He has been falsely implicated in this case due to vengeance and political reason at the instance of his political opponent. He is not named in the FIR nor apprehended on the spot. His name transpired in the case on the basis of confessional statement of co-accused Manoranjan Singh @ Manoranjan Kumar Singh @ Bholu Singh @ Bholu Mukhiya @ Bholu and Abhishek Raj @ Abhishek Singh. The said Manoranjan Singh has already been granted bail by a co-ordinate Bench of this court vide order dated 20.03.2020 passed in Cr. Misc. No.81598 of 2019. Several similarly situated other co-accused persons have also been enlarged on bail by this Court and by co-ordinate Benches of this court. There is general and omnibus allegation against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 12.11.2020.



Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. XIIIth, Saran at Chapra, in connection with Marhowrah P.S. Case No.596 of 2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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