

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21433 of 2020

Arising Out of PS. Case No.-406 Year-2019 Thana- BARAUNI District- Begusarai

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KUNDAN KUMAR Son of Bipin Kumar Resident of Village - Gokhula, P.S.-
Sikandra, District - Jamui.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 05-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 420, 467, 468, 469 and 471
of the Indian Penal Code.

The prosecution case, in brief, is that Rs.8500/- is
said to have been withdrawn from his account of the informant
from the A.T.M. without his authority and the present case was
instituted against unknown.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. He is
neither named in the F.I.R. nor was apprehended on the spot. No
incriminating article has been recovered from his conscious



physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused, namely, Dilkush Kumar, Chandan Kumar and Satish Kumar in another case i.e. Teghra P.S. Case No.359 of 2019, which has no evidentiary value in the eye of law. No test identification parade has been conducted. Co-accused, namely, Vikash Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 02.12.2020 passed in Cr. Misc. No.20779 of 2020. The petitioner has been remanded in this case on 15.11.2020.

Learned counsel for the petitioner submits that he has filed a supplementary affidavit in this case on 04.01.2021, which is not on record, albeit a copy of the same has been produced before the Court.

Office is directed to trace out the same and tag with the case record.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after framing of**



charge, 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 Chief Judicial Magistrate, Begusarai in connection with Barauni (Refinery) P.S. Case No.406 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in 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.

(Anjani Kumar Sharan, J)

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