

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21722 of 2020

Arising Out of PS. Case No.-415 Year-2019 Thana- BARAUNI District- Begusarai

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

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 26-03-2021 Heard Mr. Rajive Ranjan Singh, learned counsel
for the petitioner and Mr. Md. Aslam Ansari, learned APP
for the State.

The petitioner seeks bail in connection with
Barauni (Refinery) P.S. Case No. 415 of 2019 dated
12.09.2019 instituted for the offences under Sections
420, 467, 468, 469 and 471 of the Indian Penal Code.

It has been submitted on behalf of the
petitioner that he has not been named in the FIR and his
implication in this case is only on the basis of confession
made by Dilkhush Kumar, Chandan Kumar and Satish
Kumar and that also in another case viz. Teghra P.S.
Case No. 359 of 2019.

It has precisely for this reason that the
petitioner has been made accused in this case and has



been remanded on 15.11.2019. No test identification parade has been conducted in this case and naturally, nothing incriminating has been recovered from his possession. Even though charge sheet in this case has been submitted on 12.01.2020 but according to the report sent by the court below, there is no further progress in the case.

The petitioner had earlier been made accused in 19 cases but according to the supplementary affidavit, he has been allowed bail in eight such cases whereas the other cases are pending before the court below where he has not moved any bail application.

Considering the aforementioned facts and taking into account that even though the petitioner has been remanded in this case on 15.11.2019 but there is no substantial progress in the case before the court below, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten 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. 415 of 2019.

The release of the petitioner shall be subject to the conditions noted hereinafter:

One of the bailors of the petitioner shall be his close relative.



The petitioner shall not absent himself from the trial proceedings on two consecutive occasions without seeking prior permission of the trial court. Should he do so, the trial court will proceed for cancellation of his bail.

The petitioner shall not tamper with the evidence or shall intimidate any witness or shall do anything to impede the pace of trial. Should he be found doing so, it would be open for the Investigating Officer of this case to file a suitable application before the trial court for cancellation of his bail.

While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition.

The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station once every month, preferably on the first Monday. The officer-in-charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting the police station.

The petition stands disposed of with aforesaid directions/observations.

(Ashutosh Kumar, J)

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