

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40953 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

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KUNDAN RAI @ KUNDAN KUMAR S/o Sri Kamlesh Rai R/o Village-
Durjan Chak, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 28.09.2020 at about 12 hours while the informant was sitting along with Siya Ram Rai at the community hall of the village, this petitioner along with other FIR named accused persons, armed with various weapons, appeared and surrounded the informant and his family members and resorted to firing as a result of which six persons sustained injuries out of them Siya Ram Rai died during the course of treatment.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case. It is submitted that there is general and omnibus allegation against this petitioner and no specific overt act has been alleged against this petitioner. Specific allegation of firing is against other co-accused persons. There is case and counter case. Petitioner claims clean antecedent and is in custody since 09.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar PS case No. 408/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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