

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3371 of 2021

Arising Out of PS Case No.-351 Year-2019 Thana- JEHANABAD District- Jehanabad

Kundan Singh @ Kundan Kumar, aged about 26 years, Gender-Male, Son of Satyendra Singh, Resident of Village - Shahwajpur, PS - Jehanabad (Kalpa OP), District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vijay Anand, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Jehanabad (Kalpa OP) PS Case No. 351 of 2019 dated 05.05.2019, instituted under Sections 147, 148, 149, 302, 120B, 324 of the Indian Penal Code and 27 of the Arms Act.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 02.12.2019 in Cr. Misc. No. 77330 of 2019.



5. The allegation against the petitioner and eight others is of firing on the deceased who was the father of the informant, resulting in his death.

6. Learned counsel for the petitioner submitted that in the main FIR, there is general and omnibus allegation of indiscriminate firing against all accused including the petitioner. However, it was submitted that one witness has stated that six accused persons had opened fire in which the petitioner is also included. Learned counsel submitted that the petitioner had no dispute with the deceased and is related with the person who may have some land dispute. It was submitted that there is no specific allegation that the petitioner was the only assailant. It was further submitted that the petitioner is in custody since 14.08.2019. Learned counsel submitted that the petitioner has no other criminal antecedent.

7. Learned APP submitted that the petitioner was also one of the persons who had fired on the deceased.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Jehanabad in Jehanabad (Kalpa O.P.) PS Case No. 351 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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