

**1. IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1257 of 2021**

Arising Out of PS. Case No.-313 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

KUNDAN KUMAR @ KUNDAN TANTI S/o Maksudan Tanti Resident of
Village - Fardi, P.S. - Teghra, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Town P.S. Case No. 313 of 2020 registered for the offences under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act and after supervision added Sections 147, 148, 149, 302/120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was present at the ice cream shop of Rohit Kumar. In the mean time five persons boarded on two motorcycles came. Ssaurav Kumar was



motorcyclist of Pulsher and two persons were seated on the rear sheet of his motorcycle. All of them demanded ice cream from Rahul. When Rahul stood up to give ice cream, the co-accused Saurav Kumar took pistol from his waist and fired on the head of the victim from behind.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has been shown only to be present along with other co-accused at the time of occurrence and no specific overt act has been attributed to this petitioner. It is further submitted that similarly situated co-accused Rajesh Kumar has been granted privilege of regular bail in Cr. Misc. No. 39734 of 2020. The petitioner is in custody since 24.06.2020 and having no criminal antecedent.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the sole assailant of this case is co-accused Saurav Kumar, so far as this petitioner is concerned he is said to be present along with other accused at the time of occurrence but the similarly situated accused, namely, Rajesh Kumar has



been granted bail by a learned coordinate Bench of this Court vide Cr. Misc. No. 39734 of 2020, the petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the present application, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Town P.S. Case No. 313 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the petitioner shall appear in the trial court on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite



cancellation of bail bonds by the learned court below itself.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

