

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8880 of 2021**

Arising Out of PS. Case No.-314 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

KUNDAN SINGH Son of Late Ramashray Singh Resident of Village-
Chunni, P.S.- Buxar (M), District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, App

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

6 13-08-2021 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 learned
A.P.P for the State

Petitioner in the present case is seeking regular bail in connection with Buxar (M) P.S. Case No. 314 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that in the present case the petitioner has been falsely implicated because he happens to be a co-sharer, however, there is no eye-witness to the alleged occurrence in which the son of the informant was found murdered.

Learned counsel submits that the place of occurrence in the present case is the house of one Baban Paswan whose son Vikash Paswan is said to be the friend of the deceased and the deceased was sleeping in the house of said Vikash Paswan where he was shot dead. Nobody has seen the petitioner committing the alleged offence and there is no witness saying that the petitioner was seen near the house of the said Vikash Paswan. This petitioner has got no criminal antecedent and is in custody since 02.10.2020.

Learned counsel further submits that co-accused Vikash Paswan, Arjun Singh and Sheshnath Singh have been granted privilege of bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but the aforesaid submissions of learned counsel for the petitioner has not been controverted.

In the circumstances stated hereinabove, there being no eye-witness to the alleged occurrence and the co-accused having been granted bail, this Court directs release of the petitioner on bail on furnishing 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, Buxar in connection with Buxar P.S. Case No. 314 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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.