

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13139 of 2021**

Arising Out of PS. Case No.-838 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Kunal Singh, S/o Asharfi Singh, Resident of Village-Bangari, Kudia, P.S.-
Pipra, Kothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Trial
No.2645 of 2020 arising out of Motihari Town P.S. Case No.838
of 2017 registered for the offence punishable under Sections
302, 120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.



The case of the prosecution, according to the informant, is that on 25.11.2017 at about 10.15 am, he had received a call and he was informed that his son had been shot dead. Thereafter, the informant is said to have gone at the place of occurrence and brought his son in an injured condition to the hospital where the son of the informant died. It has been alleged by the informant that his son was murdered on account of political rivalry.

Learned counsel for the petitioner submits that the petitioner is not an FIR named accused person. His name has surfaced on the basis of confessional statement of co-accused Subodh Kumar and Rohit Kumar alias Chandan Kumar. It is further submitted a bare perusal of the case diary would show that upon examining the CCTV footage, the main assailants have been found to be one Cigrate Singh and the other person is Suman Saurabh. No incriminating material has been recovered from the petitioner's possession. He is in custody since 03.07.2020.

Learned APP for the State has opposed the prayer for bail. However, he has failed to show from the material on record, anything to suggest the complicity of the petitioner in the present case. Admittedly, the main assailants who have been



identified in the present case are Cigrate and Suman Saurabh. Similarly situated co-accused Rohit Kumar Singh @ Chandan Singh has been allowed bail in Cr.Misc. No.24486 of 2018. Other co-accused, namely, Subodh Kumar has been granted bail in Cr.Misc. No.26715 of 2018 and co-accused Cigrate in Cr.Misc. No.40378 of 2020.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Trial No.2645 of 2020 arising out of Motihari Town P.S. Case No.838 of 2017, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address



of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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