

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7024 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- JANDAHA District- Vaishali

Kundan Kumar Son Of Baidyanath Rai @ Baijnath Ray R/O Village- Arniya,
P.S.- Jandaha, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Pawan Kumar Chaurasia, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Jandaha P.S. Case No. 158 of 2021 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act. He is in custody in connection with this case since 02.08.2021. The petitioner has one criminal antecedent in which he is said to be on bail as stated in paragraph 3 of the application.

Learned counsel for the petitioner submits that as per the prosecution story, the S.I. of Jandaha Police Station had received secret information on 25.07.2021 that 5-6 miscreants



have assembled near Arniya Samata College with firearms for the purpose of commission of dacoity. Accordingly, police went there and on seeing the police party, all the miscreants tried to flee away but two of them were apprehended on chase and disclosed their name as Sandeep Yadav and Laltun Yadav and also disclosed the name of the persons who fled away as Bittu Kumar, Kundan Kumar (this petitioner) and Shivam Kumar. On search from possession of Sandeep Yadav a country-made pistol loaded with two cartridges and from possession of Laltun Yadav, one country-made revolver loaded with three cartridges and a mobile were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that there is no recovery from the possession of the petitioner. It is also submitted that Laltun Yadav from whose possession a country-made pistol with three cartridges were recovered has already been granted by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 66667 of 2021. The petitioner is in custody since 02.08.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been made accused in this case on the basis of the confessional



statement of co-accused Laltun Yadav, the co-accused Laltun Yadav has already been granted bail in Cr. Misc. No. 66667 of 2021, the petitioner has remained in custody since 02.08.2021, investigation against him is complete and his presence may also be secured in course of trial, therefore, this Court directs release of the petitioner above named 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 Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 158 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(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'.

