

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9385 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- BARAUNI District- Begusarai

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Brajesh Kuwar @ Brajesh Kunwar @ Brajesh Kumar, aged about 39 years,
male, Son of Late Rambalak Kunwar Resident of Village- Bihat Maksashpur
Tola, Ward No. 17 Police Station Barauni (F.C.I.) O.P., District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party : Mr. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Barauni (F.C.I.) O.P. P.S.
Case No. 280/2019, instituted for the offence under Sections
147,148,149,307, 302 and 120B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner has renewed his prayer for bail for the third
time. Earlier, he had filed Cr. Misc. No. 27342 of 2020 and Cr.
Misc. No. 51016 of 2021; both of which were disposed of by



orders dated 19-02-2021 and 15-12-2021 respectively.

It is submitted by the petitioner's counsel that, in the meanwhile, similarly situated co-accused Bhola Kunwar @ Bhola Kumar has been allowed bail in Cr. Misc. No. 1734 of 2021 by a Co-ordinate Bench of this court, which has considered the general and omnibus allegation of firing making it impossible to ascertain as to which of the 12 accused persons had caused the nine ante-mortem injuries sustained by the informant and her son. The Court has also taken notice of the fact that co-accused Bhola Kunwar has no criminal antecedents and on all these counts, the petitioner has claimed parity.

The learned APP representing the State has opposed the prayer for bail by submitting that as per informant's case the petitioner was present and made firing upon the deceased along with other co-accused persons. However, she is not in a position to deny or dispute the order dated 18-05-2021 granting bail to co-accused, namely, Bhola Kunwar in Cr. Misc. No. 1734 of 2021 (Annexure -4) series.

Having regard to the petitioner's prayer for bail, based on claim of parity, as noticed above, 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 Additional District Sessions Judge 1st, Begusarai, in connection with Barauni (F.C.I.) O.P. P. S. Case No. 280 of 2019, corresponding to Sessions trial No. 18 of 2021, 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.

(Madhuresh Prasad, J)

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