

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11150 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- BELDOUR District- Khagaria

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KUNDAN KUMAR SON OF NAND KISHOR SINGH RESIDENT OF
VILLAGE- TELIHAR, WARD NO. 3, P.S.- BELDAUR, DISTRICT-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajit Kumar
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioner seeks
permission of this Court to make correction in the district name
mentioned in the vakalatnama, which has been wrongly
mentioned as Begusarai in place of Khagaria.

He is permitted to do so.

Petitioner apprehends his arrest in connection with a case



registered for the offence punishable u/s 25(I-b)a Arms Act and 37(c) of the Excise Act.

The allegation against the petitioner is that he was celebrating new year in a drunken position handed over with Arms.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The occurrence took place on 01.01.2021 and the F.I.R. was lodged on 30.07.2021 i.e. after delay of six months, without giving any plausible explanation about the delay. This creates doubt about the prosecution case. The F.I.R. was lodged only on the basis of viral video and it has no evidentiary value. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch,



Patna.

Considering the aforesaid facts and circumstances, let the petitioner named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Beldaur P.S. Case No.168 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the



learned Court below on showing receipt of deposit of
Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court
Legal Services Committee.

(Anjani Kumar Sharan, J)

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