

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19394 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- GADHPURA District- Begusarai

Kundan Master @ Sudhir Bharti Son Of Uma Shankar Yadav Reident Of
Village And P.O.- Barahi, Police Station- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gadhpora P.S. Case No. 70 of 2021 lodged under Sections 302,
120 (B)/ 34 of the I.P.C.

As per the prosecution case, the informant has made
allegation and filed this case against 8 known and 4-5 unknown
persons. The specific allegation to assault by dagger to the
informant's brother is upon named accused Munna Nut and
Salim Nut. The allegation of 4-5 unknown persons is to assault
Pratosh Yadav @ Santosh Yadav, the brother of the informant.

Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the Annexure- 2 series are the affidavits filed by the persons who alleged to support the event in the investigation by which it transpires that they have denied their statements taken by the police. Learned counsel for the petitioner further submits that petitioner is in custody since 15.09.2021, charge sheet has already been filed. He submits that there are 4 criminal cases pending against the present petitioner and in all the cases, he is on bail. He also submits that out of 4 cases, 2 cases are relating to Bihar Prohibition and Excise Act.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Gadhpura P.S. Case No. 70 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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