

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21662 of 2022

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

Praveen Kunwar @ Kari Kunwar, aged about 34 years, male, Son of Late Balmiki Kunwar Resident of Village - Bihat Maksashpur Tola, P.S.- Barauni (F.C.I. O.P.), District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar, Adv.

For the Opposite Party : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-04-2022 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) PS Case* No. 280 of 2019, instituted for the offence punishable under Sections 147,148,149,307,302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner along with 11 more accused persons, has opened fire upon the deceased. The deceased has sustained nine antemortem firearm injuries.



Earlier, the prayer for bail of the petitioner was rejected by this Court on 19.02.2021 by order passed in Cr. Misc. No. 27342 of 2020 vide Annexure-1 to the bail petition.

It is submitted that the deceased was a man of criminal antecedents and implication of the petitioner, as per prosecution case, is highly improbable. Several other co-accused, namely Bhola Kunwar @ Bhola Kumar, Amrit Kumar @ Botla and Brajesh Kuwar @ Brajesh Kunwar @ Brajesh Kumar have been allowed bail vide orders passed in Cr. Misc. Nos.1734 of 2021, 50259 of 2021 and 9385 of 2022 respectively. The submission is that the claim for bail is made on parity with the said co-accused as the bail has been allowed to the said persons taking note of the submission that there is allegation of general and omnibus firing against 12 accused persons, wherein, it is simply impossible to ascertain as to who is the author of the nine antemortem injuries said to be sustained by the informant and his son. The parties have been on litigating terms and are agnates and, on such basis, the petitioner has been made accused, having no criminal antecedents.

The learned APP representing the State has opposed the prayer for bail. He, however, cannot dispute the fact that bail has been allowed to similarly situated persons.



Considering the rival submissions, the fact that the petitioner is in custody since 26.10.2019, and that the claim for parity is worth consideration, 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 Sessions Judge-1, Begusarai, in connection with *Barauni (F.C.I.) P.S.* Case No. 280 of 2019, Sessions Trial No. 125 of 2020, 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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