

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24652 of 2022

Arising Out of PS. Case No.-332 Year-2019 Thana- UDAKISHUNGANJ District-
Madhepura

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Kundan Kumar @ Kundan Kumar Yadav, S/o Dashrath Yadav, R/o Village-
Sheikhpura, Chaman, P.S.- Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, within a period of

four weeks from today.

Heard Mr. Rajnish Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Satyendra Narayan
Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Udakishunganj P. S. Case No. 332 of 2019
registered for the offences punishable under Sections 147, 148,
149, 506 of Indian Penal Code, Section 27 of the Arms Act and
Sections 3/4 of the Explosive Substance Act.

As per the prosecution case, it is alleged that on
16.11.2019 at about 8.00 PM all the F.I.R named accused



persons surrounded the house of the informant and with the intention to kill her threw two bombs and also made 8 to 10 rounds of firing. She anyhow made a narrow escape. On hulla, the villagers assembled, thereupon all the accused persons fled away after giving threatening to kill the informant and her husband.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegations against all the accused persons and no specific allegation of any overt act has been alleged against the petitioner. It is further submitted that during the course of investigation, the police examined the place of occurrence, but no mark of explosion and any cartridges was found. It also submitted that from the F.I.R., it is evident that no injury has been sustained to any one and in fact there is a political rivalry in two groups one headed by the husband of the informant and another by Janeshwar Yadav and moreover there is a case and counter case and so far this petitioner is concerned, he is in custody since 16.12.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner bears two criminal antecedents and moreover, the petitioner is named in the F.I.R.



Having regard to the submissions made on behalf of the parties and taking into consideration that there is general and omnibus nature of allegation, apart from the fact that no injury has been sustained to nay one and moreover, mere criminal antecedent of a person cannot be a basis for refusal of bail, the petitioner is in custody since 16.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Udakishunganj, Madhepura in connection with Udakishunganj P. S. Case No. 332 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physical present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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