

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25648 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- EKANGARSARAI District- Nalanda

KUNDAN KUMAR @ SUMAN Son of Jaswant Prasad Resident of Village -
Badarabad, P.S.- Ekangar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Ekangarsarai P.S. Case No. 332 of 2021 registered for the
offence under Section 379, 414 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.01.2022.

The allegation against the petitioner is to commit theft
and also of habitual in dealing of stolen property along with
other co-accused persons. .

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Chandan Kumar and admittedly, no stolen property has been recovered from physical possession of the petitioner. It is submitted that petitioner involved in one criminal case in which he is on bail. It is further submitted that similarly situated co-accused person, namely, Sunil Yadav @ Chottu has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 22880 of 2022 vide order dated 27.07.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner was not apprehended at the spot.

Considering the facts and circumstances as mentioned above, as no stolen property has been recovered from the physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ekangarsarai P.S. Case No. 332 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional
Chief Judicial Magistrate, Hilsa, Nalanda/concerned court,
subject to the following conditions as laid down u/s 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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