

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43929 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- KARAI PARSURAI District- Nalanda

KUNAL KUMAR @ KUNAL YADAV S/O KAILU YADAV @ KALU
YADAV R/o village- Nesra, P.S.- Karai Parsurai, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 11.02.2021, seeks
regular bail in connection with Karai Parsurai P.S. Case No. 104 of
2020 registered for offences punishable under Sections 147, 148,
149, 115, 120(B), 341, 323, 504, 506, 447, 302 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that the accused persons
named in the F.I.R. including the present petitioner committed
murder of the husband of the informant with a common intention.
There is a direct allegation against one Babloo Gope who is also
named in the F.I.R. that he has fired pistol upon the deceased and



deceased died on the spot.

Learned counsel appearing on behalf of the petitioner submits that there is no allegation of any assault against the petitioner rather he has been one of the members of the group against whom there is allegation of killing the informant's husband with a common intention. However, there is a direct allegation of assault against co-accused Babloo Gope who has committed murder of the husband of the informant by means of pistol as a result of which, her husband died. He further submits that from the seizure list it also appears that only one empty cartridge was recovered from the place of occurrence which also rules out the involvement of the petitioner in the present case.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that all the accused persons named in the F.I.R. with a common intention, committed the murder of the husband of the informant in which one of the co-accused has assaulted with the fire-arm which hit the husband of the informant who died on the spot as such the petitioner does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case, petitioner has clean antecedent, he has been named in the present case due to enmity and there being direct allegation against one co-accused namely, Babloo Gope of



firing upon the husband of the informant who died on the spot and the said fact is also supported by the seizure list also from perusal of the impugned order it appears that only one empty cartridge has been recovered as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No. 104 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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