

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31507 of 2022

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

1. KUNDAN KUMAR S/o Yogendra Prasad R/o village- Lodipur, P.S.- Naubatpur, District- Patna
2. Nakul Kumar S/o Dinesh Ram R/o village- Chiraura, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners seek bail in a case registered for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that on 14.12.2021, two unknown criminals came in her husband's office and after saluting him, fired killing him and the reason for the occurrence was political rivalry.



Learned counsel appearing for the petitioners submits that the petitioner No.1 has clean antecedent whereas petitioner no.2 carries three more cases other than the present one. Further submits that the petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that during course of investigation, two accused persons, namely, Omkar Kumar and Amitav Kumar @ Mithilesh Kumar were arrested and they have confessed their involvement in the present crime and the petitioners have no concern at all with the alleged occurrence and the similarly situated co-accused person Mithilesh Kumar @ Amitav Kumar has already been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 17.05.2022 passed in Cr. Misc. No.21815 of 2022 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 16.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection



with Phulwarisharif (Janipur) P.S. Case No.1098 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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