

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31131 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- PIPRA District- Supaul

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Kundan Kumar Yadav Son Of Rajo Yadav Resident Of Village- Ramnagar,
Ward No. 06, P.S. Pipra, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 326, 307, of the Indian
Penal Code and Section 27 of Arms Act but the charge sheet has
been submitted under Section 326, 307 and 302 of the Indian
Penal Code and Section 27 of Arms Act.

According to prosecution case, as per F.I.R. on
01.10.2021 when the husband of the informant namely Ram
Prasad Yadav (deceased) was sleeping at his door under the
mosquito net, some unknown persons shot fire on his head and
ran away, due to which he sustained gun shot injury on his head



It is further alleged that after hearing the gun shot sound, everyone in the house woke up and informant rushed to her door, where her husband was sleeping. There she found gun shot injury on the head of her husband. Thereafter, the injured Ram Prasad Yadav was brought to hospital from where he was referred to other place for better treatment and during course of treatment he succumbed to his injury.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact there is no eye witness of the alleged occurrence and the name of the petitioner has been transpired only on the basis of suspicion. He further submits that the informant has filed an application before the Chief Judicial Magistrate, Supaul stating therein that the petitioner and his family members of the petitioner and other co-villagers that they have committed the murder of her husband but she has not categorically stated that who has fired upon the deceased and during investigation no cognizance material has come against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.12.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with S.T. No. 83 of 2022 arising out of Pipra P.S. Case No. 283 of 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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