

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47444 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- CHANPATIA District- West Champaran

KUNDAN PANDEY S/O GAURI SHANKAR PANDEY R/o village-
Lakhaura Dubauliya, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narain Mishra, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Vivek Anand Amitesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2022 Heard the learned counsel for the parties.

The petitioner seeks bail in connection with Chanpatia P.S. Case No. 296 of 2020 dated 22.06.2020 instituted for the offence under Sections 341, 323, 307, 385, 387/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation in the FIR is against one Abhyas Singh and his associates, who is said to have opened fire which hit the victim in his hand.

The learned counsel for the petitioner has submitted that from the FIR it would though definitely appear that the aforesaid Abhyas Singh was accompanied by others also but so far as the petitioner is concerned, his name has transpired in the confession of one Niraj, who was arrested and he confessed his



guilt and also named the petitioner as one of the associates. Aforesaid Niraj and two others with similar accusation have been granted bail by different Benches of this Court, some of which orders have been brought on record.

The petitioner is in custody since 03.10.2020.

Mr. Amitesh, the learned Advocate for the informant has pointed out that the petitioner has criminal antecedents.

Mr. Mishra, learned in response to the aforesaid statement has submitted that only for the reason of the petitioner having been made accused in a criminal cases in the past, his name has transpired in the investigation of this case and the persons who have been granted bail also had criminal antecedents.

Considering the afore-noted facts and taking into account the period of custody of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 296 of 2020.

However, if the petitioner tries to tamper with the evidence or intimidate the witnesses of this case, it would be



open for the informant to file necessary application for
cancellation of his bail and in that event the court below shall
straightaway take necessary steps in that regard.

(Ashutosh Kumar, J)

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