

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39126 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

KUNAL KUMAR Son of Dharmendra Singh Resident of Village - Saidpur
Kanhauli, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Hajipur
Industrial P.S. Case No. 105/2021 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the informant has alleged that
accused persons named in the FIR were planning to commit of
offence of dacoity. The police party raided the place of occurrence
and apprehended 04 accused persons out of total 08 miscreants. It
is further alleged that petitioner and others fled away from the
place of occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 06.04.2022 and bears no criminal antecedent. The petitioner is not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Saurabh Kumar @ Bahubail and others. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused, namely, Manish Kumar, Amarjit Kumar and Chandan Kumar who have apprehended on the spot, have been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No. 54673/2021, 57477/2021 and 1817/2022 respectively and the case of present petitioner stands on better footing keeping in view this fact that petitioner is not apprehended on the spot. He further submits that co-accused Ghopi Kumar @ Vikash Kumar who has not apprehended on the spot, has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 55490/2021 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, on principle of parity the case of present petitioner stands on better footing and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Hajipur Industrial P.S. Case No. 105/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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