

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62032 of 2021

Arising Out of PS. Case No.-422 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Kundan Kumar (Male-35 years) S/o Tuntun Singh @ Tuntun Pd. Singh R/o
Village- Lohiya Nagar, P.S.- Begusarai Town (Lohiya Nagar O.P.), District-
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Begusarai Town (Lohiya
Nagar O.P.)* P. S. Case No. 422 of 2021, instituted for the
offence punishable under Sections 147,148,149, 427 of the
Indian Penal Code and Sections 25(1-B)a/ 26(2)/27 of the Arms
Act.

The allegation, as per the prosecution case, is of firing by
the petitioner along with others, to create terror in the locality



and of demolishing a boundary wall. The police has recovered arms and ammunition from the upper floor of the petitioner's house. One country made pistol, knife and some ammunition is alleged to have been recovered.

Petitioner's counsel submits that even as per the prosecution case, the recovery is not from the petitioner's conscious possession. Having no criminal antecedents, he has been in custody since 06-07-2021. The submission is of false implication as he happens to be in the house at the time of raid.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody and the fact that there is no recovery from the petitioner's conscious possession, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Chief Judicial Magistrate, Begusarai, in connection with *Begusarai Town (Lohiya Nagar OP)* PS Case No. 422 of 2021, ,subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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