

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6829 of 2023

Arising Out of PS. Case No.-651 Year-2022 Thana- JAKKANPUR District- Patna

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KALLAPPA SIDDAPPA KUDAVAKKALAGI @ KALLAPPA
KUDAVAKALAGI @ KALAPPA KURBA KULAGUI Son of SI DD Dava
Kudappakalagi R/o 1011, Ledparkold, Danapur station Road, Dist- Patna
Permanent r/o C-804, Pebbles, D.S. K Ranwara Road, Suryaduttcollege, Patil
Nagar, P.S- Wagholi Dist- Pune (Maharashtra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr.Adv.

Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-04-2023 Heard Mr. Y.C. Verma, the learned senior counsel
for the petitioner as well as the learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Jakkanpur P.S. Case No. 651 of 2022,
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per allegation mentioned in the FIR, Rahul
Kumar (the deceased) who is brother of informant was running
a shop. Co-accused Bunty Kumar came to the shop of deceased
with his salesman Ritu Raj and the petitioner along with 4-5
unknown persons. As per allegation, they made pressure upon
the deceased to purchase the biscuits manufactured by their



Company. On denial, Bunty Kumar and Ritu Raj fired shot at him. They also burnt his motorcycle. Brother of the informant died during course of treatment.

The learned senior counsel for the petitioner has submitted that he is innocent. He is a person of clean antecedent. There is no overt act against him. He is not resident of this province rather he is resident of Pune, Maharashtra. As a matter of fact, he is Regional Sales Manager-Central Region (Bihar, Jharkhand, Madhya Pradesh and Chattishgarh) of Britannia Industries Ltd. He used to come at market visit. He has falsely been implicated merely on his presence at the spot. He has submitted further that arrested accused persons in their confessional statement have also stated that it was merely innocuous presence of the petitioner at the place of occurrence.

On the other hand, learned APP has opposed the prayer for bail.

Considering the fact that there is no overt act against the petitioner. He is a person of clean antecedent and the arrested co-accused persons in their confessional statement have not assigned any role of the petitioner except his innocuous presence at the spot, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two



sureties of the like amount each to the satisfaction of learned
A.C.J.M-VIII, Patna in connection with Jakkanpur P.S. Case
No. 651 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of
trial and make himself available as and when required by the
court.

(ii) If the petitioner is found involved in future in
the similar type of offence, the prosecution will have liberty to
file an application before the court below for cancellation of the
bail of the petitioner and the learned court below will take
decision in accordance with law.

(Nawneet Kumar Pandey, J)

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