

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16915 of 2023**

Arising Out of PS. Case No.-21 Year-2021 Thana- SONPUR RAIL P.S. District- Saran

KUNDAN KUMAR @ KUNDAN S/o Akhilesh Rai @ Mohan Rai @
Manohar Ray R/o Village- Bhagwanpur, P.S.- Awtarnagar, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Suresh Prasad Sharma, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-05-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel as also learned APP for the State.

The petitioner is in custody in connection with
Sonapur Rail P.S. Case No. 21 of 2021 under sections 395, 379
of the Indian Penal Code and section 27 of the Arms Act lodged
on 18.2.2021 by the informant, Pawan Kumar.

The prosecution case, in brief, is that while the
informant was travelling in Barauni-Gwalior Mail, 10-12
miscreants entered into the bogie and started inflicting the
passengers on the point of fire arm and in course of which the
informant, who was the co-passenger sustained injury in right
side of thigh and the accused persons robbed cash of Rs.2,000/-
and a mobile phone of the informant.

Earlier the petition was rejected on 01.08.2022 vide



Cr. Misc. No. 66431 of 2022.

Once again, bail application was filed in which vide an order dated 12.4.2023, a report was called for from the court concerned.

Vide letter no. 140 dated 27.4.2023, a report has come from the I/c 4th Additional District and Sessions Judge, Saran at Chapra. According to which, the next date for framing of charge has been fixed on 17.5.2023.

Mr. Verma, learned Senior Counsel submits that the petitioner is in custody since 22.4.2021 (as stated in para-7 of the petition) and one Vicky Kumar, an accused of this case, has been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 46391 of 2021 disposed of on 21.3.2022.

Taking into account the period of custody as also the fact that one of the co-accused has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Incharge Judicial Magistrate (Rail), Sonapur, Saran, in connection with Sonapur Rail P.S. Case No. 21 of 2021 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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