

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20257 of 2023**

Arising Out of PS. Case No.-145 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Nikund Kumar @ Nikund Kumar Ray, aged about 24 years, son of Birendra Kumar @ Birendra Ray, resident of village- Kaithma, P.S.- Begusarai, Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Begusarai Muffasil PS Case No.145 of 2022 dated 19.03.2022, instituted for the offence punishable under Sections 364/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 18.03.2022 at about 5.30 PM accused Sanjeet Kumar and Bhola Kumar came at the floor mill of the informant, abused him and went away giving threatening to kill. Further allegation is of forcibly abducting the informant by dragging him into four wheeler in which seven persons were seated armed with pistols, lathi and rod and they started firing. The informant was taken towards MRJD college but the accused persons fled away upon arrival of the police party.



4. Learned counsel for the petitioner submits that the informant himself is a veteran criminal and, as a matter of fact, no occurrence has ever taken place. The informant himself is accused in several cases and in one case charge-sheet has been submitted showing him absconder. Learned counsel further submits that there is general and omnibus allegation against the petitioner and there is nothing specific against him. It is further submitted that similarly situated co-accused Bhola Kumar has been granted bail on 27.02.2023 in Cr. Misc. No. 57503 of 2022, Bittu Kumar has been granted bail on 31.01.2023 in Cr. Misc. No. 41571 of 2022, Manshu Kumar has been granted bail on 31.01.2023 in Cr. Misc. No. 43910 of 2022 by different co-ordinate Benches of this Court. The petitioner is in custody since 03.12.2022 and charge-sheet has been submitted. Learned counsel submitted that the petitioner has no criminal antecedents. He had been made accused in Begusarai Muffasil PS Case No. 380 of 2020 registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act in which the police after investigation submitted final form against the petitioner. The Court below has taken cognizance against other co-accused and not against the petitioner.

5. Learned APP has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Begusarai, in Begusarai Muffasil PS Case No.145 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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