

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30718 of 2023

Arising Out of PS. Case No.-147 Year-2021 Thana- BUXAR District- Buxar

=====

Kundan Srivastava @ Kundan Sriwastav @ Kundan Kumar Son of Ranjan
Kumar Srivastava Resident of village-Nai Bazar, Police Station-Buxar (T),
District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Setu Prateek

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

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 399, 402, 120(b) of the
Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per allegation in the FIR, the petitioner along with
other co-accused were making preparation of dacoity, on such
information three co-accused were apprehended by the police and
four others were managed to escape from the place of occurrence.
On search of the arrested persons, several arms and ammunitions
were recovered.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case due to ulterior
motive and dirty village politics. He has no concern with the



alleged recovery or with accused persons. Neither he was arrested on the spot nor any incriminating article has been recovered from his conscious possession. His name has been transpired in this case on the basis of confessional statement of apprehended co-accused before the police which has no evidentiary value in the eye of law. The other co-accused namely, Anil Kumar @ Bittu Kumar has already been granted bail by another co-ordinate Bench of this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 45312 of 2021. Petitioner is languishing in judicial custody since 17.05.2021.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 147 of 2021.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

