

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28563 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- SARMERA District- Nalanda

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Kunal Kumar Son Of Kishore Kumar@ Nand Kishore Prasad Resident Of
Village Patel Nagar Harnaut Ps Harnaut Distt Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
06.07.2022 in connection with Sarmera P.S. Case No. 167 of
2022, F.I.R. dated 01.07.2022 for the offences punishable under
Section 302/34 of the Indian Penal Code.

4. According to prosecution case, son of the
informant has been murdered by some unknown accused
persons.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is not named in the F.I.R., and name of the petitioner has



transpired only on the basis of confessional statement of the co-accused person, namely, Prince Kumar. He further submits that except the confessional statement of co-accused person, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that from the bare perusal of the F.I.R., and the confessional statement of the co-accused person, namely, Prince Kumar, it appears that there is no accusation of any assault or overt act attributed against the petitioner rather there is specific allegation against co-accused person, namely, Aniket Kumar and Prince Kumar who have killed the deceased and the co-accused person, namely, Sanni Kumar has been granted bail vide order dated 19.05.2023 in Cr. Misc. No. 73533 of 2022 and the co-accused person, namely, Bikram Kumar has been granted bail vide order dated 03.07.2023 in Cr. Misc. No. 72899 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.07.2022.

6. Learned counsel for the informant as well as learned counsel for the State on the other hand vehemently oppose the prayer and submits that C.D.R. location of the petitioner and the other co-accused person suggest that



petitioner was involved in the present crime in question but fairly submits that the accused persons have been granted bail by this Hon'ble Court.

7. Considering the aforesaid facts and circumstances, 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, Nalanda at Bihar Sharif, in connection with Sarmera P.S. Case No. 167 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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