

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44514 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Kundan Kumar @ Chittu @ Chintu S/O Bipat Prasad Chaudhary R/O-
Chowk Sikarpur, Nalapar, In Front Of Gauri Shankar Temple, P.S.- Chowk,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Chowk P.S. Case No. 149 of 2022 registered under Sections 302, 120(B), 34, 386 and 201 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioner is that he along with co-accused persons fired by their pistol upon the owner of the Teel Oil Karkhana namely, Pramod Kumar Bagla due to which he sustained injury and later on he died.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this present case. It is further stated that the petitioner is not named in the F.I.R and no any overt act is attributed against the petitioner. The name of the petitioner came



into light only on the basis of confessional statement of co-accused namely, Monu Kumar before the police, which has got no evidentiary value in the eye of law. Petitioner has not been arrested on the spot and no any incriminating article has been recovered from his conscious possession or his house. Similarly situated co-accused, namely, Ajit Kumar has already been granted bail by a co-ordinate Bench of this Court by order dated. 18.10.2022 in Cr. Misc. No. 37072 of 2022. Petitioner is in judicial custody since 04.04.2022.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chowk P.S. Case No. 149 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna City, Distt.- Patna.

(Sunil Kumar Panwar, J)

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