

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46248 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Kundan Yadav @ Kundan Kumar Son Of Maheshwari Yadav Resident Of
Village - Korha (Sarmaspur), P.S.- Lodipur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 20-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with
Mouzahidpur (Babarganj) P.S. Case No. 102 of 2021 registered
for the offences punishable under Sections 394 and 307 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that some
cash was looted from his shop by some unknown persons and he
was also injured by a firearm.

The main submissions advanced by learned counsel Mr.



Anupa Nand Jha, appearing for the petitioner are that there is an other case also lodged against the petitioner but the same was lodged on the same date of the occurrence of the present matter and in the instant matter any incriminating material was not recovered from the possession of this petitioner and his name surfaced in the statement of co-accused persons given before the police and similarly situated co-accused persons namely, Arvind Yadav, Rishi Yadav and Budhan Yadav @ Budho Yadav have been granted bail by a co-ordinated Bench of this Court vide orders passed in Cr. Misc. Nos. 53241 of 2021 and 52986 of 2021 respectively and he has got bail in connection with Lodipur P.S. Case No. 68 of 2021 which was lodged on the same date of the occurrence of the present matter and he was dragged in the present case merely on the basis of said Lodipur P.S. Case No. 68 of 2021 and in the instant matter the investigation has been completed and petitioner was not put on test identification parade after his arrest in the present matter.

Learned APP Mr. Madhura Nand Jha, appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly the privilege of bail having been granted to three co-accused persons above-mentioned, this Court is inclined to accept the



petitioner’s prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Mouzahidpur (Babarganj) P.S. Case No. 102 of 2021.

(Shailendra Singh, J.)

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