

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47695 of 2023

Arising Out of PS. Case No.-805 Year-2022 Thana- KHAGARIA District- Khagaria

Kunal Kumar Son Of Naresh Kumar @ Naresh Matho Resident Of Village-
Goushala Road, P.S- Chitragupt Nagar, Distt- Khagaria... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
24.01.2023 in connection with Khagaria (Chitragupt Nagar)
P.S. Case No. 805 of 2022, F.I.R. dated 05.08.2022 registered
for the offence punishable under Sections 341, 307, 353, 379,
279, 338, 411 of IPC and Section 25(1-b)a/26 of Arms Act.

3. As per the prosecution, police personnel on secret
information seized the alleged car, apprehended co-accused,
Ravi Kumar @ Golu @ Golu Kumar and upon making search
one country-made pistol loaded with one live cartridge were
recovered. Further it is alleged that upon making search of the
house of co-accused, Ravi Kumar @ Golu @ Golu Kumar
other incriminating articles were also recovered.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Further submits that from perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioner. The name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Ravi Kumar @ Golu @ Golu Kumar and till date no TIP has been conducted by the prosecution and except the disclosure made by co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the co-accused, namely, Gulshan Kumar, his name has also come on the basis of the disclosure made by co-accused, namely, Ravi Kumar @ Golu @ Golu Kumar, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.05.2023 passed in Cr. Misc. No.26528 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case.



6. Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupt Nagar) P.S. Case No. 805 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

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

