

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54295 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- ARIYARI District- Sheikhpura

KUNAL KUMAR @ KUNAL RAM SON OF KRISHN NANDAN RAM
R/O-KEMRA, P.S.-ARIYARI, DISTT-SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Ariyari P.S. Case No. 121 of 2023, instituted under Sections 147, 148, 149, 448, 341, 342, 504, 506, 307 and 302 of I.P.C. lodged on 30.04.2023 by the informant, Rukmini Devi.

3. As per the prosecution story, while the petitioner returning home after attending to call of nature, accused persons caught hold of him and allegation is that Ashoka Ram open fired which hit his chest and he died. The further allegation is against Goswami Ram who fired upon Arun Ram, who also got injured. Accordingly the F.I.R.

4. It is the case of the petitioner that though as per the F.I.R., the role of present petitioner has been attributed to have caught hold left hand of the deceased, the specific allegation of



opening fire is against Ashok Ram and the further allegation of firing is on Goswami Ram.

5. Learned APP opposes the prayer for bail stating therein that he was part and parcel of the crime and caught the left hand of the deceased.

6. Considering the submission put forward by learned counsel for the petitioner and the fact that the specific allegation is against Ashok Ram, the petitioner does not have criminal antecedent and he is in custody since 19.05.2023, this Court is inclined to grant him privilege of bail

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Sheikhpura, in connection with Ariyari P.S. Case No. 121 of 2023, subject to following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself,



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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