

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51939 of 2022

Arising Out of PS. Case No.-260 Year-2019 Thana- BAKHTIYARPUR District- Patna

Kundan Kumar S/o Ram Lagan Singh R/o village- Mahathwar, P.S.- Kalyan
Bigha, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Akhileshwar Dayal learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Bakhtiyarpur P.S. Case No. 260 of 2019 initially registered for the offences punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code and Section 27 of the Arms Act and, later on Section 302 of the Indian Penal Code was added.

Allegedly, two named accused persons, namely, Ranjit Kumar and Raj Narayan @ Tempu arrived along with



6-7 persons in the tea stall and after identifying the informant, they resorted to indiscriminate firing resulting into firearm injury to one customer, namely, Rajeev Kumar. It is further alleged that the informant also sustained firearm injury on his thigh and the customer who sustained injury, later on died during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not even named in the FIR, however, during the course of investigation, one unknown person took the name of the petitioner and, thereafter, the petitioner has also remanded in this case from Harnaut (Kalyan Bigha O.P.) P.S. Case No. 27 of 2021. He further submits that the FIR named accused persons have already been acquitted on 10.02.2022 by the judgment passed by the Additional District & Sessions Judge -V, Barh in Sessions Trial No. 611 of 2020. He next submits that save and except confessional statement of co-accused, there is no material to connect the petitioner with the instant case. He lastly submits that now the petitioner has remained in custody for over a period of one year and he undertakes that he will cooperate in the trial and will remain present in each and every date of trial.

Learned counsel for the State opposes the bail



application and submits that the petitioner has been implicated on the basis of confessional statement and his complicity cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement that too after more than two years of alleged occurrence coupled with the fact that one another co-accused having similar allegations, has been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55457 of 2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 260 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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