

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52518 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- BANDHUWA KURAWA District- Banka

KUNDAN JHA son of Late Devendra Jha Village- Ojha Tola Faga Ps-
Bandhuwa Kurawa Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bandhuwa Kurawa P.S.W. Case No. 37 of 2023 registered under Sections 302 and 392/34 of the Indian Penal Code and Section 25(1-b)a 26, 27, 37 and 27 of the Arms Act lodged on 12.04.2023 by the informant, Suraj Muni.

As per the prosecution story, the informant's son was working in a C.S.P. Centre and on the fateful day, after withdrawing money as he was returning, the information received by the informant was that two unknown persons shot him dead. Accordingly, the FIR.

It is the case of the petitioner that he is not named in the First Information Report and his name has come in the



confessional statement of one Afzal Ansari for which he has remained in custody since 06.05.2023 (as stated in paragraph-7 of the petition).

Mr. Jitendra Kumar Singh, learned APP for the State submits that his name has come in the confessional statement and as such, he opposes the prayer for bail.

Taking into account the fact that the petitioner is not named in the First Information Report, his name has come in the confessional statement of one Afzal Ansari and he is in custody since 06.05.2023 having no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Bandhuwa Kurawa P.S. Case No. 37 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her



bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his 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 his 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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