

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52936 of 2022

Arising Out of PS. Case No.-65 Year-2018 Thana- RAJAPAKAR District- Vaishali

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Kundan Kumar Son Of Late Ram Chandra Chaudhary @ Ram Chandra Chaudhri Resident Of Village - Majhauri, P.S.- Bidupur, District - Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
Mr. Shivanand Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-03-2023 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 Rajapakar (Baroti O.P.) P.S. Case No. 65 of 2018 registered for the offences punishable under Section 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's brother was shot dead by some unknown miscreants and dead body was recovered from the alleged place.



The main submissions advanced by petitioner's learned counsel are that the FIR was registered against unknown persons, he was made accused in the present matter mainly on the basis of his confessional statement given in connection with an other Goraul P.S. Case No. 404 of 2019 and the prosecution as well as police mainly relied upon the mobile phone conversation between the petitioner and the deceased during the relevant time when the alleged occurrence took place but prosecution did not produce any material to show that the mobile phone's location of the petitioner was near the place of occurrence at the relevant time and simply on the basis of said conversation he was dragged in this case and he has been languishing in jail since 27.11.2019, though against him there are criminal antecedent of seven cases but he has got bail in all the said cases after filing the instant criminal miscellaneous petition.

Learned APP appearing for the State has opposed the prayer for bail but fairly accepted that except the conversation between the petitioner and the deceased at the relevant time through mobile phone, there is no any other material against the petitioner and learned APP has also not drawn the attention of this Court on any scientific investigation conducted with regard



to the petitioner’s mobile phone’s location near the place of occurrence at the relevant time of the alleged occurrence.

In view of the facts, as stated above, the petitioner deserves to the privilege of 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 Rajapakar (Baroti O.P.) P.S. Case No. 65 of 2018.

(Shailendra Singh, J.)

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