

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55835 of 2022**

Arising Out of PS. Case No.-184 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Kundan Ray @ Kundan Kumar @ Bambam S/O Sri Ram Bali Rai R/O  
Village- Bhatagana Tole Khariban, P.S.- Dalasingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL ORDER**

3      22-02-2023              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. Ashwani Kumar Tiwary, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Dalasingsaria P.S. Case No. 184 of 2022, registered for the offences punishable under Sections 341, 342, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.



It is alleged that while the informant was going on his goods vehicle, in the meanwhile three persons came on a motorcycle, overtook the informant's vehicle and thereafter the petitioner and other co-accused allegedly fired at the informant in order to kill, however, the informant anyhow saved his life. The informant recognize the petitioner as one of the miscreants.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that no injury has sustained to anyone, however, due to some trifling dispute, with regard to the crossing of the road, among the co-villagers, FIR has been instituted by making false allegation against the petitioner. He further submits that both the petitioner and the informant are co-villagers and only on account of the past two criminal antecedent and on the instigation of co-villagers the name of the petitioner has been implicated. He next submits that now the petitioner is in custody for over a period of six months and the investigation of the crime is complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is involved in other two criminal cases as stated in paragraph-3 of the bail petition.

Regard being had to the submissions made on behalf



of the parties and considering the nature of allegation and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Dalasingsarai, District- Samastipur, in connection with Dalasingsaria P.S. Case No. 184 of 2022, 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)**

manoj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

