

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61603 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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KUNDAN KUMAR S/O SHATRUGHAN PRASAD Resident of Village-
Dhekahan, Lakshaman Tola, P.S.- Muffasil, Motihari, District- East
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 341, 323,
342, 307 and 34 of the Indian Penal Code pending in the learned
court below.

As per the FIR, petitioner along with other co-accused
persons abducted the son of the informant and tied him in a tree
and thereafter, they brutally assaulted him with the intention to
kill him.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He further submits that there is general and omnibus
allegation against the petitioner. He submits that the occurrence



took place on 14.05.2022 and FIR lodged on 20.05.2022 after a delay of six days and there is no any delay in filing of the present FIR which creates serious doubt about the prosecution case. He submits that injury found upon the victim is simple in nature which is also clear from the impugned order. He further submits that petitioner have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is delay in filing of the present FIR and injury found upon the victim is simple in nature, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Motihari Muffasil P.S. Case No.369/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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