

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63410 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

KUNDAN KUMAR Son of Sri Narayan Singh R/o Vill - Mahmadpur
Gautam, P.S. - Naya Gaon, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Lochan Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-10-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Begusarai Town P.S. Case No. 346 of 2022, dated 12.06.2022
registered for the offence(s) punishable under Section(s) 302,
120(B) and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. This is second attempt of the petitioner to get the
relief of regular bail after his earlier prayer was rejected by this
Bench vide order dated 18.03.2023 passed in Cr. Misc. No.
56666 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned counsel
for the petitioner are that there is no eye-witness of the alleged
occurrence and petitioner was made accused merely on the basis



of circumstantial evidences and suspicion, as per confessional statement of co-accused persons, the main allegation of causing firearm injury to the victim is against co-accused Keshav Jha who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 65592 of 2022 and petitioner and co-accused Nisha Kumari are stated to be the members of the alleged conspiracy and the said co-accused Nisha Kumari has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 57107 of 2022. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 03.07.2022 and his case is running for the framing of charges and his mother's health condition is not good.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the above submissions and mainly petitioner's custody period and his clean antecedent and also the privilege of bail having been granted to the above-mentioned co-accused persons by different Benches of this Court, in my opinion, in the said circumstances the petitioner now 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 Begusarai Town P.S. Case No. 346 of 2022, **on the condition that if on account of petitioner’s physical non-appearance, the charges are not framed in the case of the petitioner then, learned Trial Court shall take serious action against him by taking him into custody.**

(Shailendra Singh, J)

Maynaz/-

U		T	
---	--	---	--

