

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63287 of 2023

Arising Out of PS. Case No.-309 Year-2016 Thana- BIHAR District- Nalanda

Kundan Kumar (M), aged about 25 years, son of Pappu Yadav, resident of village- Khanchi Gali Sherpur Bazar, PS- Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munna Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Bihar PS Case No.309 of 2016 dated 16.07.2016, instituted under Sections 147, 148, 149, 323, 341, 504, 427, 354-B, 316, 325, 379, 307 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with co-accused, Gopal Sharan Yadav @ Karu Yadav, assaulted on the abdomen of Nisha Damini by means of *lathi* as a result of which miscarriage was caused to the victim.

4. Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case. There is case and counter case between the parties and persons from both the sides have sustained injury. It is further submitted that the



petitioner works as a labourer and doing the work of selling fruit juice and he had no knowledge about his alleged involvement in the present case. It is further submitted that co-accused Gopal Sharan Yadav @ Karu Yadav has been granted bail by a co-ordinate Bench of this Court by order dated 26.09.2016 passed in Cr. Misc. No. 39192 of 2016. Lastly, it is submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, in Bihar PS Case No.309 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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