

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71254 of 2023

Arising Out of PS. Case No.-1272 Year-2021 Thana- AGAMKUAN District- Patna

Prince Kumar @ Kundan Kumar, S/O Sukhdeo Yadav, resident of Village-
Gawal Toli, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Agamkuan Case No. 1272 of 2021, registered for the alleged offences under Sections 341, 342, 323, 324, 307, 302, 386 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons abducted the informant and his maternal uncle and brutally assaulted them by taking them to a godown. The co-accused Chhotu Kumar had been demanding back the money, which he had given to the maternal uncle of the informant, with interest. The maternal uncle of the informant succumbed to his injuries and was declared dead when he was taken to the doctor.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against all the accused persons including the petitioner and specific allegation is only against the co-accused Chhotu Kumar. During investigation, the police did not find any concrete evidence against the petitioner. Though he has been named in the FIR, but the police did not mention his name in the main charge sheet filed on 16.04.2023. Thereafter, a supplementary charge sheet was filed on 31.07.2023 in which the name of the petitioner has been mentioned. The said charge sheet has been submitted in a mechanical manner and without application of mind. The learned counsel further submits that similarly placed two co-accused persons namely, Kallu Kumar and Vishal Kumar have been granted bail by different Coordinate Benches of this Court vide orders dated 24.07.2023 and 16.10.2023 passed in Cr. Misc. Nos. 35667 of 2023 and 66823 of 2023, respectively. The petitioner is in custody since 18.05.2023 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner has been named in the FIR for assaulting the maternal uncle of the informant.

6. Having regard to the facts and circumstances of the



case and submissions made hereinabove and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the grant of bail to other similarly placed co-accused persons and also considering the submission of charge sheet, his clean antecedent along with his period of custody, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City, Patna, in connection with Agamkuan P.S. Case No. 1272 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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