

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1443 of 2023

Arising Out of PS. Case No.-468 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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MUNNA KUMAR @ MUNNA KAHAR @ MUNNA CHAUDHARI @
MUNNA CHANDVASI S/o Late Krishna Kahar R/o mohalla- Tikari Road
Arra Machine, Ward No. 14, Aurangabad, P.S.- Town, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
24.08.2022 in connection with Town P.S. Case No. 468 of
2020, F.I.R. dated 16.12.2020 registered for the offence
punishable under Sections 302,323,341,324,147,148,149 of IPC.

Specific allegation of assault is attributed against co-
accused persons, namely, Dun Kahar, Arun Kahar or nephew of
Dun Kahar, they stabbed the informant's son due to which he
died during course of treatment. Allegation against the petitioner
is that he is only the member of the unlawful assembly.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been



implicated in the present case. Further submits that it appears from the FIR that the specific allegation of assault is attributed against co-accused persons, namely, Dun Kahar, Arun Kahar or nephew of Dun Kahar, they stabbed the informant's son due to which he died during course of treatment. Further submits that there is no allegation of any assault or overt-act is attributed against the petitioner rather the petitioner may be a member of the unlawful assembly and the co-accused, namely, Jitendra Sharma and Ravi Kumar @ Ravi Sharma have been granted anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 09.03.2022 passed in Cr. Misc. No.38957 of 2021 and the case of the petitioner is better footing to that of co-accused, namely, Jitendra Sharma and Ravi Kumar @ Ravi Sharma and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in



connection with Town P.S. Case No. 468 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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