

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75038 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- BARAUNI District- Begusarai

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Kundan Kumar, S/o Late Laxmi Sah, Resident of village- Mirjapur Chand,
P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 08-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Barauni P.S. Case No. 02 of 2020 dated 01.01.2020 registered
for the offences punishable under Sections 302, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that a love affair between one
namely, Jyoti Kumari who is stated to be the daughter of the co-
accused Sukhdeo Sah and the deceased Manish Kumar is stated
to be the genesis of the occurrence and the dead body of the
victim was found at an isolated place and as per the FIR this
petitioner, who is a co-villager of the said Sukhdeo Sah, is only
suspected to be involved in the alleged murder but he had no



reason to be involved in the alleged crime and during entire investigation, no direct evidence appeared against the petitioner to show his involvement in the alleged crime and similarly situated co-accused persons namely, Sukhdeo Sah and Rupesh Kumar have been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 22621 of 2020 and the petitioner has fair and clean antecedent and has been languishing in jail since 10.09.2022 and in the FIR, there is no specific allegation against the petitioner and moreover daughter of the co-accused Sukhdeo Sah had been married to another person before the occurrence of the alleged murder so the genesis of the occurrence, as mentioned in the FIR, is also not favorable to the prosecution's allegation.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having considered the above submissions and mainly the facts that in the FIR the informant only raised suspicion against this petitioner and co-accused persons and in the case diary also there is no direct evidence showing the petitioner's involvement in the alleged crime and the petitioner has fair and clean antecedent and against him the investigation has been completed and similarly situated two co-accused



persons mentioned above are on bail, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Barauni P.S. Case No. 02 of 2020 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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