

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5325 of 2023

Arising Out of PS. Case No.-627 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

Kundan Singh Son Of Gauri Shankar Singh R/O Village And P.O.- Gadha,
P.S.- Runi Saidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Singh Mr. Sarmendra Kumar Jha, Advocates
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 21.11.2022, in connection with Runi Saidpur P.S. Case No. 627 of 2018, F.I.R. dated 20.10.2018 registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that on 20.10.2018 the informant namely Baleshwar Singh was going to deposit an amount of Rs. 6,64,000/- by cash and Cheque worth Rs. 9, 95,000/- towards the Central Bank and when he reached at the Bank, four persons riding on two motorcycles were already present and they got the informant panicked by their



firing in the air and also assaulted the informant by but of pistol and snatched the bag and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person namely Ravi Shankar Kumar @ Satyam. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and co-accused namely Mukesh Singh @ Mukesh Kumar Singh has been granted bail by a Coordinate Bench of this court vide order dated 02.04.2019 passed in Cr. Misc. No. 19770 of 2019, another co-accused namely Mukesh Singh @ Vikky has been granted bail by a Coordinate Bench of this Court vide order dated 29.08.2019 passed in Cr. Misc. No. 53435 of 2019 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runi Saidpur P.S. Case No. 627 of 2018, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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