

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6037 of 2024

Arising Out of PS. Case No.-805 Year-2022 Thana- KHAGARIA District- Khagaria

Kunal Kumar son of Naresh Kumar @ Naresh Mahto Village- Goushala Road
P.S- Chitragupt Nagar Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2024 Heard Mr. Mritunjay Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
22.08.2023, in connection with Sessions Trial No. 502 of 2023
arising out of Khagaria (Chitragupt Nagar) P.S. Case No. 805 of
2022, F.I.R. dated 05.08.2022 registered for the offences
punishable under Sections 341, 307, 353, 379, 279, 338, 411 of
the Indian Penal Code and Sections 25(1-b) a/26 of the Arms
Act.

3. Earlier the petitioner has been granted bail vide
order dated 04.08.2023 passed in Cr. Misc. No. 47695 of 2023
but the bail bond of the petitioner was not accepted by the
learned Trial Court on the ground that the petitioner carries three



more cases other than the present one but the petitioner has mentioned in the bail petition that the petitioner carries one more case other than the present one.

4. 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 from perusal of the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner. The name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Ravi Kumar @ Golu @ Golu Kumar and till date no TIP has been conducted by the prosecution and except the disclosure made by co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the co-accused, namely, Gulshan Kumar, his name has also come on the basis of the disclosure made by co-accused, namely, Ravi Kumar @ Golu @ Golu Kumar, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26528 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2023.

5. Learned APP for the State has opposed the prayer



for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

6. Considering the aforesaid facts and circumstances of the case, 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, Khagaria in connection with Sessions Trial No. 502 of 2023 arising out of Khagaria (Chitragupt Nagar) P.S. Case No. 805 of 2022, 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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