

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19984 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Kundan Kumar @ Nepali Son Of Late Awadhesh Mahto @ Late Awadhesh
Rai @ Abdhesh Mahto @ Abdhesh Ray Resident Of Village- Bagha, Ward
No. 29, Ps- Town, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Begusarai Town P.S. case No. 64 of 2023 instituted for the offences under Sections 302, 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that two unknown miscreants boarded on motorcycle came to the informant's son and shot three round fire due to which he died and took away his motorcycle, tab and cash amounting to Rs. 81,702/-.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced



in this case during investigation on the basis of information given by the spy. Learned counsel further submitted that T.I.P. has not been conducted till date. Similarly situated co-accused person has already been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 63174 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.03.2023 and has twelve criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Begusarai Town P.S. case No. 64 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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