

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21894 of 2024

Arising Out of PS. Case No.-183 Year-2022 Thana- DANAPUR RAIL P.S. District- Patna

Kunal Kumar @ Krishna Avatar Kumar @ Krishna Kumar Son of Raju Ram
@ Raju Rai @ Raju Prasad Resident of Raghopur, Ward No.18, P.S. - Bihta,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 11-09-2024 Heard Mr. Madhukar Anand, learned Advocate for the

petitioner and Mr. Ram Sevak Choudhary, learned APP for the

State.

2. Application for grant of regular bail to the
petitioner, who is in custody in connection with Rail Danapur
P.S. Case No.183 of 2022 registered for the offences punishable
under Sections 341, 323, 324, 326, 307, 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Based upon the fardbeyan of the informant, the
prosecution alleges that while the informant was standing in
queue at Railway ticket counter, in the meantime a tall man
came and tried to remove him which resulted in the altercation.
It is further alleged that after some time, that person came along



with other five persons armed with weapons and allegedly fired upon the informant due to which he sustained firearm injury on his thigh and fell down.

4. Learned Advocate for the petitioner referring to the FIR contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation the name of the petitioner transpired on the confessional statement of co-accused Sunny Kumar. The said Sunny Kumar has already been accorded regular bail by the learned Co-ordinate Bench of this Court in Criminal Miscellaneous Case No.32723 of 2023. It is next contended that the FIR clearly reveal that all the miscreants were concealed their face by clothes, thus, the complicity of the petitioner in the crime, in question, is based on suspicion, as well as, the confessional statement; barring the aforesaid facts, there is no material. It is also the contention of the petitioner that the reason for false implication of the petitioner is also his past criminal antecedents as the petitioner is carrying four criminal antecedents besides the present one. It is lastly contended that be that as it may, the petitioner has been incarcerated for over a period of one year.

5. On the other hand, learned APP for the State, as well as, informant vehemently opposed the bail application and



submits that the petitioner is said to be the person who fired upon the informant due to which he sustained grievous injuries over his thigh. The criminal antecedent of the petitioner speaks loud about his involvement in such type of heinous crimes.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted against unknown miscreants and the entire case is based upon the confessional statement of the co-accused who has already been allowed bail by the learned Co-ordinate Bench of this Court, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Railway Court, Patna in connection with Rail Danapur P.S. Case No.183 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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