

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20149 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BHADAUR District- Patna

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KUNDAN KUMAR YADAV @ KUNDAN KUMAR @ KUNDAN YADAV
S/O SATO YADAV R/O VILLAGE- KHAJURAR, P.S- BHADAUR, DISTT.-
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Chaubey Jawahar, APP

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

ORAL ORDER

3 09-05-2024 Heard Mr. Pramod Kumar, learned counsel for the

petitioner and Mr. Chaubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with G.R.
No. 1886 of 2023 arising out of Bhadaur P.S. case No. 109 of
2023 instituted for the offences under Sections 147, 148, 149,
302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on the alleged date
and time, all the accused persons including this petitioner armed
with weapons came at the place of occurrence. In the meantime,
Sapatu Yadav and Kundan Kumar Yadav fired upon the husband
of the informant due to which he sustained injuries as a result of
which he died.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case due to local village politics. Learned counsel further referring to paragraph-10 of the case diary submitted that informant in her statement has specifically stated that Saptu Yadav fired upon the deceased. Learned counsel further submitted that on perusal of the post-mortem report of the deceased, it comes to light that only one firearm injury was caused to the deceased, and therefore, the manner in which the alleged occurrence took place is not corroborated by the statement of the victim and post-mortem report itself. No incriminating article has been recovered from the conscious possession of the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.09.2023 and has two 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, statement of the informant and medical evidence 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, ***after framing of charge, if not already framed***, 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 G.R. No. 1886 of 2023 arising out of Bhadaur
P.S. case No. 109 of 2023.

(Rudra Prakash Mishra, J)

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