

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32590 of 2024

Arising Out of PS. Case No.-828 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Kundan Kumar S/o Late Vijay Thakur R/o vill - Lahladpur Patahi, P.S. -
Sadar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sadar P.S. Case No. 828 of 2021, dated 11.12.2021, registered
for the offence(s) punishable under Section(s) 302, 201 &
120B/34 of the Indian Penal Code.

3. Mr. Rajesh Kumar, learned counsel for the
petitioner submits that though the petitioner is named in the FIR
but only suspicion was raised by the informant on account of
previous heated altercation which is said to have taken place
between the petitioner and the deceased but regarding the time
and place of the said heated altercation no disclosure has been
made by the informant and during the investigation it has come



to light that the deceased had illicit relation with the sister of co-accused Hemant Kumar who has been granted bail by co-ordinate bench of this court vide order dated 03.01.2023 passed in Cr. Misc. No. 29677 of 2022 and the case of this petitioner stands on better footing from the said co-accused. It is further submitted that as per allegation the petitioner is said to be a member of the alleged conspiracy but in support of this allegation there is no material. The investigation has been completed against this petitioner and he has been languishing in jail since 08.03.2024. Further submission is that though against this petitioner there are criminal antecedents of four cases but he is on bail in all the said cases and none of these cases relates to the offence of murder.

4. Although, Mr. Dilip Kumar No. 1, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that there is no direct allegation against this petitioner and as per paragraph no. 50 of the case diary, the cause of death has been opined as asphyxia as a result of ante-mortem drowning. Learned APP has not pointed out any direct evidence to show the petitioner's involvement in the alleged crime.

5. Having regard to the above submissions and mainly



the facts that the prosecution has not revealed any direct evidence against this petitioner to show his involvement in the alleged crime and in the FIR simply a suspicion was raised against this petitioner and one co-accused namely, Hemant Kumar carrying similar nature of allegation is on bail and against this petitioner the investigation has been completed, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Sadar P.S. Case No. 828 of 2021 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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