

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33218 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- FALKA District- Katihar

Kundan Kumar Son of Arun Kumar Sah Resident of Village- Nandgram
Jarlahi, P.S-Korha, Dist-Katihar

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 11-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with
Falka (Pothia) P.S. Case No. 396 of 2023 dated 09.11.2023
registered for the offences punishable under Sections 395, 397,
364 and 120B of the I.P.C.
3. As per the prosecution case, on 08.11.2023,
while the informant alongwith the businessman, namely, Wazir
Alam, who was with cash of Rs. 10,00,000/- reached at 'Kalu
Baba Asthan', some unknown miscreants surrounded them and
snatched the key of the vehicle and threatened to kill him. They
also assaulted the informant and asked him to give Rs.
10,00,000/-. He said that he has no money and perhaps the
money is in possession of the businessman. Thereafter, the
miscreants took his Rs. 750/- and mobile of Collector Company.
Somehow, the businessman called police and police came and



apprehended the co-accused Md. Sarfraz and Rajesh Kumar and from possession of Md. Sarfraz, one mobile phone was recovered and police has also recovered Pick-up and on their disclosure, Kundan Kumar (petitioner), Md. Raju @ Tajmul, Md. Raza @ Rajjak and Md. Yusuf were apprehended and from their possession, two mobile phones and one motorcycle were recovered and the co-accused Md. Yusuf and Md. Sagir were also arrested by police and from their possession, one country made pistol, mobile phone, one cartridge and motorcycle were recovered and on their disclosure, Md. Riyaz was arrested and from his possession, Mobile of Collector Company and Rs. 750/- were recovered and police also arrested co-accused, Md. Sakim and from his possession, one mobile phone of Vivo Company was recovered and one motorcycle was also recovered from both possession.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. As per the seizure list, one key pad mobile and one motorcycle were recovered from the possession of the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody



in this case since 10.11.2023. Learned counsel for the petitioner has further submitted that the co-accused, Md. Sakim has already been granted bail by a coordinate Bench of this Court vide order dated 14.05.2024 passed in Cr. Misc. No. 22288 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Falka (Pothia) P.S. Case No. 396 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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