

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41210 of 2024**

Arising Out of PS. Case No.-269 Year-2023 Thana- SONEPUR District- Saran

Kundan Kumar S/O Dinesh Yadav R/O Village- Heru Diyara, P.S- Kasim  
Bazar, Distt.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr.Anant Kumar 1APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      18-09-2024                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned A.P.P. for the State.

**2.** Petitioner seeks bail in connection with Session  
  
Trial No. 614 of 2023 arising out of Sonepur P.S. Case No.  
  
269 of 2023 registered for the offences under Sections 396  
  
of the Indian Penal Code and Section 27 of the Arms Act.

**3.** The petitioner is not named in the First  
  
Information Report and is in custody since 17.05.2023.

**4.** Allegation against the petitioner is to commit  
  
dacoity in Bank alongwith other co-accused persons and  
  
while committing so, opened indiscriminate firing upon two  
  
constables, who were deputed for security causing their  
  
death on spot and looted away cash of Rs. 13,28,197/-.



**5.** It is submitted by learned counsel appearing on behalf of the petitioner that name of the petitioner transpired during course of investigation on the basis of confessional statement of co-accused Md. Jasmin, where in furtherance of said confessional statement, no incriminating material recovered/surfaced during course of investigation as to connect petitioner *prima-facie* with the present occurrence of dacoity and murder.

**6.** It is submitted that petitioner was not put on Test Identification Parade as yet. While concluding argument, it is submitted that one of the reason behind suspicion as to implicate falsely with the present case is criminal antecedent of petitioner because he found involved in seven more criminal cases, where he is on bail and in maximum of these cases his name transpired on the basis of confessional statement of co-accused having no evidentiary value under law.

**7.** It is further submitted that similarly situated co-accused persons namely, Sukhari Rai @ Raja Babu and Gautam Kumar have already granted bail by one of the



learned coordinate Bench of this Court through Cr. Misc. No. 72531/2023 dated 07.02.2024 and Cr. Misc. No. 2310/2024 dated 26.04.2024 respectively. While concluding argument, learned counsel submitted that investigation of this case is completed and as such, there is no chance of tampering with the evidence.

**8.** Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

**9.** In view of the facts and circumstances as save and except suspicion, nothing appears *prima-facie* against this petitioner *qua* his involvement with present occurrence of dacoity and murder, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 17.05.2023, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 4<sup>th</sup> Additional Sessions Judge, Saran at Chapra at Saran/concerned court, in connection with Session Trial No. 614 of 2023 arising out of Sonapur P.S.



Case No. 269 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

**(Chandra Shekhar Jha, J.)**

Rajeev/-

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