

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41776 of 2024

Arising Out of PS. Case No.-262 Year-2020 Thana- ITARHI District- Buxar

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Kundan Shrivastava @ Kundan Srivastava S/o Ranjan Shrivastava R/o Village-Nai Bazar, P.S.-Buxar(Town), District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Rai Sharma

For the Opposite Party/s : Mr.Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable under Sections 341, 323, 307, 120(B), 147, 148, 149, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant and Ranjan Singh reached near Hanuman Mandir, the co-accused Dharmendra Yadav, Govind Yadav and one unknown person stopped the motorcycle and started abusing. Thereafter, Ram Pravesh Yadav and one unknown person surrounded them and started assaulting and fired upon Ranjan Singh.

4. It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is no specific overt act against the petitioner. He further submits that similarly situated co-accused has already been granted bail by this Court. Petitioner has 15 criminal antecedent and he is in custody since 22.07.2021.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case and considering the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with Itarhi P.S. Case No. 262 of 2020 subject to the following conditions:

- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



- (iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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