

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47045 of 2024

Arising Out of PS. Case No.-479 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Kundan Kumar @ Setti Son Of Sunil Kumar Sharma @ Sunil Sharma
Resident Of Vill- Dharmpur, Bande, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Patori P.S. Case No. 479 of 2023, registered on 22.07.2023 for the offences under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the informant and snatched Rs.40,000/- at gun point. When the informant opposed they fired upon him and this petitioner tried to slit the throat of the informant. However, when the crowd started assembling the petitioner and other co-accused persons fled away from the spot.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The real story is that the petitioner has lodged Patori P.S. Case No. 391 of 2023 on 15.06.2023 making allegation that he was looted by the present informant, one Sudhir Kumar and four unknown persons. During scuffle the informant of this case was caught by local people and the informant sustained injury when the crowd tried to apprehend him and thereafter, the informant of this case was handed over to the police by the villagers. In retaliation thereof, the informant has lodged the present case. Learned counsel further submits that the prosecution story as given in the FIR is completely unbelievable that the petitioner and co-accused persons would robe the informant and they are become witnesses of the seizure. The alleged occurrence took place on 15.06.2023 and the informant was sent to custody on 20.06.2023 and the complaint of the informant was forwarded by the authority on 03.07.2023 which shows the deliberation and after thought on part of the informant. The petitioner is having criminal antecedent of one case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the improbable nature of accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI -cum- Special Court (POCSO), Samastipur/concerned court in connection with Patori P.S. Case No. 479 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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