

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46135 of 2024

Arising Out of PS. Case No.-545 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Kunal Kishore @ Kunal Singh Son of Rajiv Kumar Singh Village- Jitavarapur
(Jitwarpur), P.S.- Govindganj, Dist.- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Karandeep Kumar, learned counsel for

the petitioner and Mr. Ahmad Ali, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Town P.S. Case No. 545 of 2022, F.I.R. dated
06.08.2022 for the offences punishable under Sections 302/34 of
the Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner have assaulted the brother of
the informant by means of knife. It is further alleged that he
died during the course of treatment.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the similarly situated co-accused, namely, Pranav Kumar @ Pranav Singh has been granted anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12467 of 2024 and another co-accused, namely, Rishu Kumar Singh @ Muskan Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 29782 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the other accused persons have been granted bail by this Court and Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 545 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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