

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47794 of 2024**

Arising Out of PS. Case No.-15 Year-2024 Thana- GAYA MUFASIL District- Gaya

Kundan Tanti @ Kundan Kumar Son of Jittu Tanti @ Jitu Prasad Resident of
Vill- Manpur, Gandhi Nagar, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Gaya Muffasil P.S. Case
No. 15 of 2024, instituted for the offences punishable under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, on
information when police reached to a place where some
miscreants were planning for dacoity and arrested three accused
persons namely Bhayankar Paswan, Nandu Paswan and Vishal
@ Chinku Pandey and from their possession three mobile, one
country made pistol and three live cartridges were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not arrested on spot. Name of the petitioner has transpired on the basis of confessional statement made by co-accused persons. No recovery has been made either from the conscious possession or from the house of the petitioner. The petitioner is in custody since 17.02.2024 and has got three criminal antecedents. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No. 34726 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Gaya Muffasil P.S.
Case No. 15 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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