

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49975 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- BARH District- Patna

Kundan Kumar Son of Sri Indradeo Yadav @ Indradev Singh Resident of
village - Chakdaulat, P.S.- Bakhtiarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs.Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr.Nirmal Kumar Sinha, APP
For the informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-11-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the
State as also Mr. Anil Kumar, learned counsel for the informant.

2. The petitioner is in judicial custody in connection
with Barh P.S. Case No. 152 of 2024 for the offence punishable
under Sections 307/34 of the Indian Penal Code and section 27
of the Arms Act and later converted into sections 302,
304(B)/34 of the Indian Penal Code lodged on 27.02.2024 by
the informant, Naresh Yadav.

3. As per the prosecution story, the informant alleged
that while he was sleeping in his house, heard the sound of
firing. He went out of the room and saw Chandan Kumar



leaving the place with pistol in his hand. He further saw that his brother, Kundan Kumar was standing outside on a motorcycle. When he went inside, saw his daughter, Sindhu Kumari having fire-arms injury on her head. Facts were informed to the Barh police station. She was taken to Sub-Divisional Hospital and then PMCH. She subsequently, succumbed to the injury. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that even going by the FIR, the allegation is that Chandan Kumar was rushing outside alongiwth the pistol in his hand. The role of the petitioner who is brother of Chandan Kumar is of being present at the place of occurrence with the motorcycle. It is his further submission that in course of investigation, the police has recorded the statements of Manish Kumar and Bablu Kumar, according to which, he was not even present at the place of occurrence but had gone to Bhagalpur for work.

5. Learned APP as also learned counsel for the informant on the other hand opposes the prayer submitting that the husband Chandan Kumar has killed his wife with active participation of his brother as also the family members. It is their joint submission that Chandan Kumar wanted his wife back to in-laws' house whereas the family members insisted that



since she has given birth a child to remain in the said place. This led to alleged killing.

6. Having gone through the facts of the case as also the materials on record coupled with the fact that the allegation in the FIR is against Chandan Kumar of leaving the place alongwith the pistol in his hand, at best the role of the petitioner is that of facilitator being standing near the motorcycle, he is in custody since 02.04.2024 (para-22 of the petition), FIR lodged, it is an undertaking by the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Barh (Patna), in connection with Barh P.S. Case No. 152 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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