

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54286 of 2024

Arising Out of PS. Case No.-230 Year-2022 Thana- MASAUDHI District- Patna

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Kunal Kumar @ Krishna Awtar @ Krishna Avtar Kumar, Male, aged about 26 years, son of Sri Raju Prasad @ Raju Ray @ Raju Ram, R/O Village-Raghopur, Ward No. -18, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Masaudhi PS Case No. 230 of 2022 dated 27.04.2022, instituted for the offence punishable under Sections 302, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence the father of the informant was at his shop. At about 6.50 AM, two persons, namely, Sanjay Kumar and Chhotu Kumar @ Chhote Sarkar came there on motorcycle having pistol in their hand. Accused Dhananjay Kumar @ Ranjay Kumar was also present there armed with pistol and he entered into the shop and all the three persons started firing



indiscriminately out of which 3-4 shots hits his father and he died on the spot. Thereafter, all the persons fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that the petitioner is not named in the FIR. Only on the basis of confessional statement of Chhotu Kumar @ Chhote Sarkar, petitioner has been made accused in this case. There is no eye witness to the occurrence. Nothing has come against the petitioner during investigation. Learned counsel further submitted that similarly situated co-accused Vikash Kumar @ Vikash Kumar Singh has been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No.23894 of 2024. Lastly, it is submitted that the petitioner is in custody since 18.04.2024 and four cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Masaudhi, Patna, in Masaudhi PS Case No. 230 of



2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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