

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62735 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- RAGHOPUR District- Supaul

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Kundan Kumar @ Kundan Kumar Swarnkar, S/o - Ashok Swarnkar, Resident
of village- Simrahi, Ward no-6, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Adv.

For the State : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2024 Heard Mr. Dr. Rajesh Kumar Singh, learned counsel

for the petitioner and Mr. Braj Kishore Prasad, learned APP for

the State.

2. Petitioner seeks regular bail in connection with
Raghapur P.S. Case No. 74 of 2024 dated 05.03.2024 registered
for the offences punishable under Sections 353 and 504 read
with Section 34 of the Indian Penal Code and Sections 25(1B)a,
26 and 35 of the Arms Act.

3. Learned counsel appearing for the petitioner
submits that the allegations levelled in the FIR are completely
false, in fact admittedly, the raid at the house of the petitioner
was made in the night by the police personnel who were in civil
dress at that time and as per allegation, only one live cartridge is
alleged to have been recovered from the person of the petitioner,



though one country made pistol or *katta* is alleged to have been recovered from the house of this petitioner but the same was not recovered from the conscious possession of this petitioner. Further submissions are that the petitioner's father, namely, Ashok Swarnkar @ Ashok Kumar Swarnkar @ Asok Kumar Swarnkar has also been made accused in this case who has been granted bail vide order dated 26.07.2024 passed in Cr. Misc. No. 33001/2024 and at the time of raid, no recovery of any kind of illicit liquor was made from the house of this petitioner and the recovery of the alleged firearm is also completely false which is clearly evident from the witnesses of the seizure list who have closeness with the local *Chowkidar* and the police party and in this regard, specific statement has been made in paragraph '6' of the petition. Further submission is that the petitioner has been languishing in jail since 05.03.2024 and against him, the investigation has been completed and the petitioner is on bail in all his antecedent cases.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the custody period of the petitioner and completion of investigation against him and coupled with the



privilege of bail having been granted to co-accused Ashok Swarnkar by this Court, in my opinion, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named- above 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 concerned Court in connection with Raghapur P.S. Case No. 74 of 2024.

(Shailendra Singh, J)

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