

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67409 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- THAWE District- Gopalganj

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Kundan Bhardwaj @ Kundan Sharma Son of Rajesh Sharma Resident of
Village -Sawna, PS- Barhaniya, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2024 Heard Mr. Kumar Harshvardhan, the learned

counsel for the petitioner and Mr. Md. Aslam Ansari, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 08.07.2024, in connection with Thawe P.S. Case No. 38 of
2023, FIR dated 09.02.2023, registered for the offences
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code.

3. According to the prosecution, the father of the
petitioner is alleged to have been shot dead by the two unknown
miscreants on account of brick business and political rivalry.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the case. He further
submits that the petitioner has not been named in the F.I.R. His



name has been transpired on the basis the confessional statement of the co-accused person, namely, Shashi Ranjan Kumar. Save and except the suspicion, no cogent material has surfaced during the course of investigation suggesting the involvement of the petitioner in the alleged occurrence and the similar situate co-accused person, namely, Neyaz Ahmad @ Bhola has been granted vide order dated 18.09.2023 in Cr. Misc. No. 41512 of 2023 by this Bench. The petitioner is rotting in judicial custody since 08.07.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the apart from the aforesaid case, the petitioner carries one more case other than the present but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Gopalganj in connection with Thawe P.S. Case No. 38 of 2023, subject to the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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