

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71845 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- JAHANABAD District- Jehanabad

Kundan Kumar, S/O Ram Ishwar Yadav, R/O Village- Dewariya, P.S-
Jehanabad, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Khalid Faizan, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Sr. Counsel for the petitioner and
learned A.P.P. for the State.

2. The present Criminal Miscellaneous Application has been filed under Sections 483 and 484 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') for seeking regular bail in connection with Jehanabad P.S. Case No. 692 of 2024 lodged on 30.08.2024 under Sections 126(2), 115(2), 132, 121, 121(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the FIR has been lodged against three named accused persons including the present petitioner that all the accused persons in connivance with each other have attacked a police Constable as well as the informant.



5. Learned Sr. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. As per the FIR, it transpires that there is no act and overt-act against the petitioner rather it is against other persons. He further submits that for the said date and place of occurrence, there is a counter case filed namely Complaint Case No. 537 of 2024 in which defense has been taken that the police Constable reached the shop of the petitioner for photocopy free of cost but it was opposed by the shopkeeper. Thereafter, other police party reached there and in protest, scuffling took place. The only allegation against the petitioner is that he came forward to save his brother. Learned Sr. Counsel further submits that the antecedent of the petitioner is not clean as three more criminal cases are pending against him. Out of three, in one case, he has been acquitted while in two cases, he is on bail. The petitioner is in custody since 31.08.2024.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean as two more criminal cases are pending against him. There is a specific allegation against the petitioner that the petitioner along with other persons has attacked the police party and thereby caused disturbance in discharging the official duty by



the police personnel.

6. In response thereof, Learned Sr. Counsel for the petitioner submits that as per the FIR, it is not clear what duty the police personnel and the police Constable are doing at the place of occurrence on the alleged date and time and if there is no explanation for the same, then the version of the petitioner made in the complaint petition be accepted.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail on being satisfied by the Trial Court that he is not absconding in the cases as mentioned in paragraph no.3 of the bail application as (i) Jehanabad P.S. Case No. 190 of 2023 and (ii) Jehanabad P.S. Case No. 1041 of 2019, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1)(d) of the BNSS to the satisfaction of C.J.M., Jehanabad in connection with Jehanabad P.S. Case No. 692 of 2024, subject to the conditions as laid down under Section 480(3) of the BNSS.

(Dr. Anshuman, J)

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