

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82746 of 2024

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Kundan Kumar S/O Shri Ram Naresh Singh R/O Village- Sonawa Patna City,
P.S- Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022, instituted for the offence punishable under Sections 396, 397 of the Indian Penal Code and Section 27 of Arms Act.

3. The prosecution case, in short, is that on 13.12.2022 at about 9:40 pm, while the informant was sitting in his friend's house namely, Rajiv Ranjan, three unknown miscreants with guns entered the house and tried to snatch gold chain from the said friend. When the informant's friend tried to take out his pistol, one of the miscreants fired gun shot on him. Thereafter the said father of the friend came to the place of occurrence, miscreants fired gun shot on him as well. It is further alleged that another three



miscreants tried to enter the house and they fired gun shot to the friend's brother. All three victims were grievously injured and taken to the hospital, where Rajiv Ranjan was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the present case has been lodged against six unknown persons and the owner of seized motorcycle. The petitioner is not named in the F.I.R. Nothing incriminating articles have been recovered from the conscious possession of the petitioner or from his house. The petitioner has not been put on T.I.P so that the petitioner could be identified. Learned counsel for the petitioner further submits that similarly situated co-accused persons have been granted bail by this Court and co-ordinate Bench of this Court vide Annexure-2 series. Learned counsel for the petitioner submits that the confessional statement of Nischay Kumar @ Raju Kumar @ Vikrant Raj was also recorded on 30.12.2022, who also named 11 persons as his partners, but the name of the petitioner did not figure in his confessional statement. The confessional statement of Sunny Kumar @ Awadhesh Kumar was then recorded by S.H.O. Phulwarisharif P.S. on 26.03.2023, wherein Sunny Kumar named this petitioner as one of his partners in the said crime. Learned counsel for the petitioner submits that the CCTV footage of the



occurrence was also obtained during the course of investigation and on the basis of footage, Sunny Kumar, Santosh Kumar @ Bakariya and Raju Kumar have been identified while the other three could not be identified. Lastly, it has been submitted that the petitioner is in custody since 31.03.2024 having three criminal cases against him. In all three cases, the petitioner has not been named in F.I.R. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

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 learned Additional Sessions Judge, XXXI at Patna in connection with Phulwarisharif P.S. Case No. 1539 of 2022, subject to following conditions:-

I. 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. One of the bailors will be his own blood relation, preferably father, mother, brother, sister



and or his wife.

III. 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.

IV. 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)

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