

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82526 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- KALYANPUR District- Samastipur

Kundan Kumar S/o Surendra Rai R/o vill - Muktapur, P.S. - Kalyanpur, Distt.
- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kalyanpur P.S. Case No. 68 of 2024, registered on 14.03.2024, for the alleged offences under Sections 25(1-B)A, 26, 35 of the Arms Act.

03. As per prosecution case, police received information from its informer about petitioner being involved in an occurrence of firing and he had been attempting to flee away from his village. A raid was conducted and the petitioner was apprehended. At the instance of the petitioner, recovery of a country made loaded *katta* with one cartridge was made. Another co-accused was also arrested at the instance of this petitioner.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner has been named in this case by the informer of the police and not a single witness has come forward to support the prosecution case. There is completely non-compliance of Section 100 of the Code of Criminal Procedure. The informer of the police and the prosecution parties have some personal grudge against the petitioner. Learned counsel further submits that in this manner, the petitioner has been made accused in two more case. The petitioner is in custody since 08.04.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner is accused in two cases of very serious nature and one such case is under Sections 302, 120B of IPC and 27 of the Arms Act.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 68 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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