

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87431 of 2024

Arising Out of PS. Case No.-1260 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Kunal Kumar S/O Lakhindra Sahni R/O Village- Shekhpur, P.S- Ahiyapur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 30.08.2024 passed in Cr. Misc. No. 63099 of 2024.

3. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1260 of 2023 instituted for the offences under Sections 302/120(B) of the Indian Penal Code.

4. The prosecution case, in short, is that on the alleged date and time of occurrence, the accused persons



including the petitioner killed the Informant's brother-in-law by slitting his throat after hatching a conspiracy.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is no specific and direct allegation against the petitioner rather the same is general and omnibus in nature as the Informant herself has alleged that the co-accused viz. Ravi Kumar was cutting the neck of her brother-in-law and, all the accused persons including the petitioner, were caught hold the deceased. From perusal of the seizure list, it appears that the used weapon in the murder of the deceased has been recovered from the bathroom of co-accused Ravi Kumar. From the F.I.R., it also appears that there is a land dispute between the parties. The petitioner has no concern with the other co-accused persons. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 26.09.2024 without any rhymes or reason.

6. Learned counsel for the petitioner again submits



that the co-accused namely Sujeet Kumar @ Sujeet Sahani has been granted bail by this Court vide order dated 16.12.2024 passed in Cr. Misc. No. 87102 of 2024. He further submits that other co-accused persons viz. Nandu Sahni @ Nandu Kumar, Upendra Sahni and Raju Rai @ Raj Kumar Yadav have also been granted bail by this Court vide orders dated 05.03.2024, 05.03.2024 and 11.03.2024 passed in Cr. Misc. Nos. 13600 of 2024, 13583 of 2024 & 14674 of 2024 respectively.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the claim for bail being based on parity, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Ahiyapur P.S. Case No. 1260 of



2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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