

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25832 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- KALYANPUR District- Samastipur

Kundan Kumar, S/O Surendra Rai, Resident of Village- Muttapur, Police Station- Kalyanpur, District- 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. Sunil Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-06-2025 Heard Mr. Shashank Shekhar, learned Advocate appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Kalyanpur P.S. Case No. 87 of 2024 corresponding to Sessions Trial no. 544 of 2024 registered for the offence punishable under Sections 302 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt made on behalf of the petitioner as earlier the prayer for bail of the petitioner came to be negated by this Court in Criminal Miscellaneous No. 48018 of 2024 vide order dated 18.09.2024 after taking into consideration the materials available on record and the specific



nature of accusation against the petitioner.

4. Learned Advocate appearing on behalf of the petitioner fairly contended that since the prayer for bail of the petitioner was rejected on merit, hence he is not making any submission for reconsideration based upon the merit of the case. However, while rejecting the prayer, this Court has extended the liberty to the petitioner to renew his prayer for bail after framing of the charge. Referring to Annexure P/3, learned Advocate for the petitioner contended that now the charges have already been framed on 11.12.2024 itself and till date, none of the prosecution witness has been examined. It is lastly contended that now the petitioner has been incarcerated since 26.04.2024 and there is no likelihood of conclusion of the trial in near future.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the specific accusation has been levelled against the petitioner of causing death of the son of the informant.

6. Considering the submissions advanced and the observation made by this Court on the last occasion with the liberty to renew his prayer for bail after framing of the charge,



let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I, Samastipur in connection with Sessions Trial No. 544 of 2024 arising out of Kalyanpur P.S. Case No. 87 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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