

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33747 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- SAHEBPUR KAMAL District- Begusarai

Kundan Kumar Son of Laltu Yadav @ Lalto Yadav Resident of village - Diha
(Deeha), Ward No.- 03, P.S.- Sahebpur Kamal, District - Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sahebpur Kamal P.S. Case No. 01 of 2025 registered on 01.01.2025 for the offences under Sections 191(3), 126(2), 115(2), 352, 351(1), 351(2), 109 and 1(3) (5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and 11 other co-accused persons, riding four motorcycles and armed with automatic and country made weapons, opened indiscriminate firing upon the house of the informant. The informant fled away from there and the assailants entered into the house of the informant and committed indiscriminate firing and one gun shot hit the mother of the informant near her right neck and she became unconscious. She was taken to hospital for treatment.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner and other co-accused persons though the informant claims himself to be an eye-witness. There is delay of about 10 hours in lodging the FIR and it shows afterthought and deliberation. Learned counsel further submits that after submission of charge-sheet, police obtained an injury report of the mother of the informant from Sadar Hospital where she was initially treated and this report shows simple injury caused by hard and blunt substance. However, prior to submission of charge-sheet, report of a private nursing home has been annexed showing grievous injury and the said report is dated 28.02.2025 but it does not mention when the patient was treated. Learned counsel further submits that taking all these facts together, the allegation against the petitioner appears to be doubtful. Petitioner is in custody since 01.01.2025 and charge-sheet has been submitted. Petitioner is having antecedent of two cases and he is on bail in both the cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai/concerned court in connection with Sahebpur Kamal P.S. Case No. 01 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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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