

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34115 of 2025

Arising Out of PS. Case No.-359 Year-2023 Thana- BACHHWARA District- Begusarai

Kundan Kumar S/o Vijay Kumar Mahto R/o Village- Khanuaa Dhala, Ward
No 10, PS- Vidyapatinagar, Distt.- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

ORAL ORDER

2 17-06-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Bachhwara P.S. Case No. 359 of 2023, instituted for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section.

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons committed murder of the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the informant is not the eye-witness to the alleged occurrence. There is delay of two days in lodging the FIR. The petitioner has got no concern with the other co-accused persons of this case. The petitioner and the deceased were never seen together. It is also submitted that the confessional statement of the petitioner recorded under Section 161 Cr.P.C. has got no evidentiary value in the eye of law. The petitioner is in custody since 18.12.2023 and has got four criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 18.12.2024 passed in Cr. Misc. No. 71221 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bachhwara P.S. Case
No. 359 of 2023.

Rajorshi/-

(Rudra Prakash Mishra, J)

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