

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35999 of 2025

Arising Out of PS. Case No.-337 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Raushan Kunwar @ Albam @ Raushan Kumar @ Raushan Kuwar @ Amit
Kumar Anshul S/O Bipin Kunwar @ Bipin Kumar @ Vipin Kunwar @ Vipin
Kumar @ Kailu Kunwar R/O Village- Basudevpur (Basudeopur), Ward No.
11, P.S- Begusarai (Muffasil), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-08-2025 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioner is in custody in connection with
Sessions Trial No. 406 of 2025 arising out of Begusarai Muffasil
P.S. Case No. 337 of 2023 for the offence punishable under
sections 341, 323, 325, 307, 504, 427 and 379 of the Indian
Penal Code and later on added section 302 and 34 of the Indian
Penal Code, lodged on 10.06.2023 by the informant, Nitish
Kumar.

3. As per the prosecution story, the allegation is that
first the accused persons consumed liquor and thereafter on
protest, assaulted as also damaged the motorcycle. The fact



remains that the assault resulted into death of one of the person on the informant's side. Accordingly, the F.I.R.

4. Earlier, the petitioner moved before this Court in Cr. Misc. No. 68352 of 2023 which came to be rejected on 01.12.2023.

5. This is the second attempt of the petitioner in which case diary as also the stage of the trial were called for and the same had come.

6. As per the report dated 03.07.2025, the case is fixed for prosecution evidence on 08.07.2025 and out of 14 charge-sheet witnesses, only 1 has been examined.

7. Learned counsel for the petitioner submits that he has remained in custody since 20.12.2023, omnibus allegation of assault against all of them, there has not been any head injuries rather injuries has found to be on legs and hands, if granted relief, he shall be diligently appearing in trial and failure to do so, appropriate steps can be taken by the Trial Court itself for the cancellation of bail bond.

8. Learned APP Mr. Bharat Bhushan, opposes the prayer for bail submitting that though omnibus allegation, they all have assaulted.

9. Considering the submissions of the parties as also



his period of custody, the petitioner has no criminal antecedent, the trial is not likely to be concluded in near future, and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge-IX, Begusarai, in connection with Sessions Trial No. 406 of 2025 arising out of Begusarai Muffasil P.S. Case No. 337 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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