

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39001 of 2025

Arising Out of PS. Case No.-478 Year-2024 Thana- MALSALAMI District- Patna

Kundan Kumar @ Black S/O Late Barhu Saw @ Baru Saw R/O- Chhoti Nagla, Aadarsh Colony, Sakram Chak, PS- Malsalami, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Malsalami P.S. Case No. 478 of 2024 registered for the offences under Section 103 of B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, son of the informant was shot dead by co-accused Rohit Kumar and name of the petitioner transpired in this case during investigation as the person who supplied the firearms to co-accused Rohit Kumar.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has not committed any offence and he has no role in the whole occurrence. Name of the



petitioner came up in this case on the basis of confessional statement of co-accused Rohit Kumar and except for that there is no material on record to connect the petitioner with the offence as alleged. Nothing incriminating has been recovered from the conscious possession of this petitioner. There could be no application of Section 103 of B.N.S. or Section 27 of the Arms against this petitioner. Petitioner is in custody since 02.01.2025 and charge-sheet has been submitted. Petitioner is having antecedent of seven cases but he is on bail in all these 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 vague nature of allegation against the petitioner and also considering his period of custody 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 A.C.J.M.-IV, Patna City, Patna/concerned court in connection with Malsalami P.S. Case No. 478 of 2024, 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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