

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40018 of 2025

Arising Out of PS. Case No.-615 Year-2022 Thana- AMARPUR District- Banka

Kundan Kumar Son of Raju @ Raj Kishor Yadav Resident of Village
-Chakkadih, PS and District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur (Fullidumar) P.S. case No. 615 of 2022 instituted for
the offences under Sections 393 of the Indian Penal Code and
25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., on the alleged date and time of
occurrence, three miscreants riding on motorcycle dashed the
motorcycle of the informant. It is further alleged that one of the
miscreants pointed pistol at the informant but informant with the
help of his brother managed to caught him. In the meantime, the
other two miscreants fled away from the spot leaving
motorcycle and *katta*. It is further alleged that one loaded
country-made pistol along with one live cartridge was
recovered.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Shyam Sunder Das recorded before the police which has no evidentiary value in the eye of law. The petitioner has no concern with the seized motorcycle rather the same belongs to co-accused Shyam Sunder Das. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunition. Charge-sheet has been submitted in this case. Till date, no T.I. Parade has been conducted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.05.2025 and has six criminal antecedents and, in all of them, he is on bail as has been stated in Para-3 of the present bail petition. There is no compliance of Section 103 of the B.N.S.S. He further submits that the co-accused Shyam Sundar Das has already been granted bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No. 29108 of 2024.

5. Learned A.P.P. 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, nature of offence as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur (Fullidumar) P.S. case No. 615 of 2022, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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