

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76665 of 2024

Arising Out of PS. Case No.-210 Year-2021 Thana- MAHUA District- Vaishali

Kundan Kumar @ Kallu Son of Ravindra Ray Resident of Village- Gaushpur
Bariyarpur, PS -Rajapakar, District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Mahua P.S. Case No.210 of 2021 lodged under Section 395 of the IPC read with Section 27 of the Arms Act, charge-sheet has been submitted under Sections 395, 397 and 412 of the I.P.C. and cognizance has been taken for an offence under section 395 of the I.P.C. read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 6 unknown accused persons against whom allegation of dacoity of Rs.1,50,000/- cash from the counter of the informant who is manager in the Gramin Bank.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



submits that the petitioner is not named in the F.I.R. He further submits that nothing has been recovered from the possession of the petitioner rather his name has figured in this case by virtue of confessional statement of co-accused.

5. Counsel submits that the petitioner is in custody since 26.06.2024 and his criminal antecedent is not clean. There are in total 4 criminal cases pending against him in which he is on bail. He further submits that neither petitioner has been put on T.I.P. nor any incriminating articles have been recovered from his possession. He further submits that charge has already been framed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioner's antecedent is not clean. There are four criminal cases pending against him in which most of the cases are relating to robbery and Arms Act.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **on being satisfied by the trial court that the petitioner is not absconding in any cases i.e., (i) Rajapakar P.S. Case No.101 of 2022 (ii) Rajapakar P.S. Case No.64 of 2021 (iii) Mahua P.S. Case No.240 of 2021 (iv) Tajpur P.S. Case No.151 of 2021 which are pending against**



him, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No.210 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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