

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72324 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Singhaul District- Begusarai

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1. Kunal Kumar Ishwar @ Kunal Kumar son of Ram Bali Ishwar village- Maranchi, Ps- Bachhwara, Dist- Begusrai
 2. Bhola kumar son of Rajesh Chaudhary Village- Pirapur, Ps- Jandaha, dist- Vaishali P/A- Village- Panhas, Ps- Lohiya Nagar,OP, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 07-05-2025 1. The bail application with respect to petitioner No.1, namely, Kunal Kumar Ishwar @ Kunal Kumar is dismissed as withdrawn.
2. Heard Mr. Shubhesh Pandey, learned counsel for the petitioner and Mr. Aditya Narayan Singh.1, learned Additional Public Prosecutor for the State.
3. The petitioner is apprehending his arrest in connection with Singhaul P.S. Case No. 32 of 2024, F.I.R. dated 10.04.2024 for the offences punishable under Sections 341, 323, 307,120(B), 195(A), 506/34 of Indian Penal Code.
4. According to prosecution case, the informant alleged that when he was going to milk center for taking milk,



the petitioner along with other co-accused persons arrived and started firing upon him. The informant was shot on his hand and in injured condition he ran to doctor for treatment.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but from bare perusal of the FIR it transpires that petitioner is only the order giver and he has been implicated only on the ground that he is the brother-in-law of the co-accused, namely, Kunal Kumar Ishwar @ Kunal Kumar and apart from that there is no specific allegation of assault or overt act or firing attributed against the petitioner rather specific allegation of firing is against co-accused, namely, Kunal Kumar Ishwar @ Kunal Kumar.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act or firing



attributed against the petitioner and petitioner name transpired only on the ground that he is the brother-in-law of the co-accused, namely, Kunal Kumar Ishwar @ Kunal Kumar , let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Singhaul P.S. Case No. 32 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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