

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81481 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- BHAGWANPUR HAT District- Siwan

Kunal Kumar Son of Sukhnandan R/O- Sendurkha P.S- Basantpur Dist-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 31-01-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 310(4), 310(5),

317(2) of the BNS and Sections 25(1-b)a, 26, 35 of the

Arms Act.

3. As per allegation in the FIR, the informant

alleged that upon secret information about assembly of

accused in a mango orchard, it was raided and allegation

about recovery of fire arms/cartridges is/as follows:-

(i) Vivek Kumar @ Baba, one loaded pistol



with cartridges;

*(ii) Rahil Kumar, two live cartridges with
knife;*

*(iii) Akhilesh Kumar @ Bhim, two live
cartridges with mobile and;*

*(iv) Kunal Kumar (petitioner), two live
cartridges with mobile.*

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Petitioner has no concern with the alleged recovery or with other co-accused persons. There is no independent witness of the alleged seizure. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. Similarly situated co-accused Akhilesh Kumar @ Bhim has been granted bail vide order dated 21.11.2024, passed in Cr. Misc. No. 80401 of 2024 by the co-ordinate Bench of this Court. Moreover, the petitioner is languishing in judicial custody since



25.08.2024.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as similarly situated co-accused person has been granted bail by Co-ordinate Bench of this Court, as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bhagwanpur Hat P.S. Case No. 348 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I, Siwan, subject to the following conditions:

(i) one of the bailors 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 bond by the Trial Court itself;

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

(iv) the petitioner shall in no way try to induce or promise or threat the witnessess 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.

(S. B. Pd. Singh, J)

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