

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1387 of 2025

Arising Out of PS. Case No.-767 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Kundan Sah @ Sourab Sah @ Kundan, Son of Ashok Sah, Resident of
Village - Aliganj Gogti, P.S. - Babarganj, District - Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Nathnagar P.S. Case No.767 of 2018 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner named in the FIR and is in custody since 21.05.2024.

4. The allegation against the petitioner is to commit the murder of the brother of the informant along with other named and unknown co-accused persons by causing firearm injury, where motive of crime in question not appears to be explained through F.I.R.



5. Mr. Praveen Kumar, learned counsel appearing for the petitioner while arguing this matter submitted that the identification of this petitioner appears disputed as no parental name available in column 7 of the F.I.R. against this petitioner. It is pointed out that on the basis of confessional statement of co-accused Kapil Yadav @ Kapil Yadav, the petitioner was implicated with this case, where through confessional statement his parental name was disclosed, as son of Ashok Sah. It is submitted that save and except suspicion, nothing survives against the petitioner, as during the course of investigation, in furtherance of aforesaid confessional statement of co-accused, Kapil Yadav @ Kapil Yadav, nothing incriminating appears to be recovered/surfaced against petitioner as to suggest his involvement *prima facie* with present crime in question. It is pointed out that said co-accused Kapil Yadav @ Kapil Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.9674 of 2020. While concluding argument, it is submitted that petitioner found involved in four more criminal cases as mentioned in



paragraph 3 of the present bail petition, where after facing full-fledged trial, petitioner was acquitted in two cases mentioned at Sl. No. 1 and 2, whereas he is on bail, in cases mentioned at Sl. No. 3 and 4 and moreover investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused, nothing *prima facie* appears incriminating against the petitioner as to connect him with present crime in question, coupled with the fact that charge-sheet is already submitted, where petitioner is in custody since 21.05.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XV, Bhagalpur in connection with



S.T. No.807 of 2024 arising out of Nathnagar P.S. Case No.767 of 2018, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS and with further conditions:-

(i) That the absence of the petitioner from the trial proceedings on two consecutive occasions, without prior consent of the Trial Court would render his bail liable to be cancelled;

(ii) That the petitioner without seeking permission from the Trial Judge shall not leave the territorial confines of the Trial Court.

(Chandra Shekhar Jha, J.)

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