

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89498 of 2024

Arising Out of PS. Case No.-711 Year-2022 Thana- MANER District- Patna

Kunal Rai @ Kunal Kumar Son of Late Baleshwar Ray @ Baleshar Ray,
Resident of Village- Brahamchari Sobarna, P.S.- Maner, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2025 Heard Mr. Sanjay Kumar Mishra, the learned
counsel for the petitioner and Mr. Chandra Bhushan Prasad, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
08.04.2024, in connection with Session Trial No. 1371 of 2024,
arising out of Maner P.S. Case No. 711 of 2022, FIR dated
03.10.2022, registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code and under Section
27 of the Arms Act.

3. According to the prosecution case, the petitioner
opened fire upon the son of the informant due to which
informant's son died.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case and informant is the Aunty of the petitioner and she has falsely implicated the petitioner in the present case. He further submits that as per allegation in the FIR, the petitioner and other co-accused persons had opened fire upon the victim and as per FIR, they had fired on the chest, stomach and neck of the informant's son. However, the injury report of the victim suggests that he has received only one firearm injury and it appears from the *post-mortem* report that the allegation levelled in the FIR is not supported by medical evidence. He further submits that the co-accused person namely, Ranjeet Kumar @ Ranjeet Rai has been granted bail by this Court vide order dated 18.09.2023 passed in Cr. Misc. No. 32633 of 2023 and another co-accused person namely, Babhan Rai @ Kailash Rai has been granted the privilege of anticipatory bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 17766 of 2024 and another co-accused person namely, Jaleshwar Rai has also been granted the privilege of anticipatory bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 37831 of 2024. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 08.04.2024.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, the allegation levelled in the FIR is not supported by medical evidence and other co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI, Danapur, District- Patna, in connection with **Maner P.S. Case No. 711 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds 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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