

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60863 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- SURSAND District- Sitamarhi

Kundan Kumar Son of Kishori Singh R/O Vill.- Adkhani, P.s.- Parihar, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Senior Advocate
		Mr. Amit Anand, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-02-2026 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of regular bail in connection with Sursand P.S. Case No. 83 of 2024 registered for the offence under sections 302/34 of the I.P.C. read with Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. Earlier, the bail of the petitioner was rejected by this Court vide order dated 18.09.2024 passed in Criminal Miscellaneous No.36660 of 2024 with Criminal Miscellaneous No.37974 of 2024. The aforesaid order dated 18.09.2024 reads as under:-

*“Heard learned counsel for the
petitioners and learned A.P.P. for the State.*

2. The petitioners seek regular bail in



connection with Sursand P.S. Case No. 83 of 2024, lodged under Sections 302/34 of the I.P.C. read with Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, due to earlier dispute, the petitioners and others are said to have fired indiscriminately upon the deceased, who is none other than wife of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are in custody since 16.02.2024. The names of the petitioners have figured in this case due to previous enmity. The petitioner of Cr. Misc. No. 36660 of 2024 has two criminal antecedents and the petitioner of Cr. Misc. No. 37974 of 2024 has one criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that there are criminal antecedents of the petitioners.

6. Considering the fact that one person has been killed by the petitioners and others, I am not inclined to grant bail to the petitioners and therefore, the present bail applications are hereby rejected.”

4. It has fairly been submitted by learned Senior Counsel for the petitioner that out of six witnesses, four witnesses have been examined in the trial.

5. Considering the fact that the trial is proceeding and also the laid down down by the Hon'ble



Supreme Court in the case of *X vs. State of Rajasthan & Anr.* reported as *2024 SCC OnLine SC 3539*, I am not inclined to review my earlier order dated 18.09.2024. Accordingly, this bail application is dismissed.

6. The Superintendent of Police, Sitamarhi is directed to ensure the presence of witnesses in the trial.

7. Let a copy of this order be communicated to the Superintendent of Police, Sitamarhi forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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