IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60978 of 2026

CNR No. BRHC010868132026

Arising Out of PS. Case No.-557 Year-2025 Thana- BIDUPUR District- Vaishali

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Kundan Kumar @ Tufani S/o Late Sitaram Singh R/o Village - Pakauli, P.S - Bidupur, District - Vaishali at Hajipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioner and the learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bidupur Police Station Case No. 557 of 2025, instituted for the offences under Sections 103(1), 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 (1-B)(a), 26, 35 & 27 of the Arms Act.

3. The Prosecution case, in short, is that on 25.08.2025 at about 11:00 p.m., the husband of the informant was shot dead by unknown accused persons while returning to his house in Bheropur. In course of investigation co-accused Sachin Kumar was apprehended and he confessed his guilt and he also revealed the involvement of the petitioner and other accused persons in

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the present occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that petitioner is in custody since 16.06.2026 and he has four criminal antecedents. He also submits that petitioner is not named in the F.I.R., rather his name has been surfaced on the confessional statement of co-accused Sachin Kumar. The counsel lastly submits that the other co-accused has been granted regular bail by a co-ordinate Bench of this Court on 23.04.2026 passed in Cri. Misc. No. 16081 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard the parties and taking into consideration the fact that the petitioner's name has been added on the basis of the confessional statement of co-accused and the fact that chargesheet has been submitted and also the fact that criminal antecedents, by themselves, cannot constitute a ground for rejection of bail, as held by the Hon'ble Apex Court in Abhimanue Etc. Etc. v. State of Kerala (2025 INSC 1136), this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two

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sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bidupur Police Station Case No. 557 of 2025, subject to the following conditions:

(I) One of the bailors shall be a family member or close relative of the petitioner.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence, threaten, or intimidate any witness during the course of the trial.

In the event of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar, J)

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