

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22263 of 2016

Arising Out of PS.Case No. -286 Year- 2015 Thana -KOTWALI District- MUNGER

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Kundan Kumar @ Kundan Mandal Son of Vijay Mandal Resident of
Village- Madhopur, PS Munger, kotwali, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 24-05-2016 The petitioner apprehends his arrest in relation to

Munger Kotwali P.S. Case No. 286 of 2015 registered under

Section 302/34 of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case in brief is that the while the
informant and his two brothers were coming from the market, they
saw that his brother namely Pratap was brutally assaulted near the
house of one Prabhakar and on the orders, their brother shot. He
was taken to hospital and declared dead. Thereafter Prabhakar was
arrested by the police.

Learned counsel for the petitioner submits that the
petitioner shot at *Kanpatti* (near the ear) but there is no wound to
support that.

Learned counsel for the State points out that there is a bullet in the chest, as per postmortem report. There is also an allegation that one of the persons shot him in the chest.

Be that as it may, it is a case under Section 302 of the Indian Penal Code and there is direct allegation against the petitioner, I am not inclined to entertain this application. It is, accordingly, dismissed.

However, petitioner is directed to surrender before the court below within four weeks and seek regular bail where his prayer may be considered on its own merit without being prejudiced to the order of this Court.

(Navaniti Prasad Singh, J.)

Amit/Rajiv

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