

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40451 of 2016

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

=====

Kundan Kumar @ Kundan Mandal Son of late Vijay Mandal Resident of
Village- Madhopur, P.S. Munger Kotwali, District - Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 19-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

It is alleged that at the instigation of F.I.R. named
accused Kishan Mandal, co-accused Prabhakar Mandal opened
fire causing fire arm injury on the chest of the deceased. The
deceased having sustained the aforesaid fire arm injury tried to
flee from there but petitioner is said to have shot fire on left
temple of the deceased as a result whereof deceased died then and
there. The reason behind the alleged occurrence is said to be
previous enmity. In course of investigation, the informant and



some witnesses stated the similar statement but submission on behalf of the petitioner is that the postmortem report of deceased goes to show that deceased sustained five injuries and injury nos.1 and 2 of the deceased were found communicating to each others and said to be caused by fire arm. The aforesaid injuries were found on the left side back of chest of the deceased. So far as rest three injuries are concerned, they were found on left frontal region of skull right eye and right palm of the deceased and the doctor opined that the injury nos.1 and 2 which were found communicating to each others, were caused by fire arm whereas injuries no.3 to 5 were caused by hard and blunt substance.

Submission on behalf of the petitioner is that the aforesaid finding of the doctor goes to show that no fire arm injury was found on the temple of the deceased and, therefore, the allegation levelled against the petitioner is falsified by the postmortem report.

Having gone through the case diary as well as postmortem report, I find some substance in the contentions of learned counsel for the petitioner. Petitioner does not have any criminal antecedent.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner above named

be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Munger in connection with Munger Kotwali P.S. Case No.286 of 2015.

(Hemant Kumar Srivastava, J)

N.H./-

U		T	
---	--	---	--