

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31378 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -CHANDAN District- BANKA

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1. Kunkun Singh Son of Late Jago Singh @ Joga Singh, Resident of Village- Chenduware, Police Station- Chandan (Anandpur), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State

The petitioner is languishing in jail since 07.02.2017 in connection with Chandan (Anandpur) P. S. Case No. 66 of 2016 registered for the offences punishable under Sections 341, 323, 324, 352, 379/34 of the Indian Penal Code but later on charge sheet has also been submitted under Sections 452 and 302 of the Indian Penal Code, as the father of the informant succumbed to injuries.

The prosecution case as lodged by the informant is that he along with his brother, Mahendra Ram and father Baldeo Ram were sleeping in a room situated near the road. At about 4.00 A.M.



in the morning of 04.06.2016, he heard cry of his father and saw six persons, named in the F.I.R. including the petitioner, having lathi, danda and iron rod assaulting his father. When he tried to save his father, then they also tried to assault him but he and his brother fled away towards their house. Mukesh Ram was pressing the neck of his father, whereas, Navin Ram was causing injury by rod and Ravi Ram and Umesh Ram also caused injury by lathi and danda and at that time Kailash Ram took out Rs. 5,000/- from the pocket of the informant. In course of treatment father of the informant died on 09.06.2016. The cause of occurrence is land dispute.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and during investigation the witnesses have named him to be involved in the aforesaid offence. He further submits that the informant being eye witness has not named the petitioner and charge sheet has also been submitted and there is no chance of tampering with the prosecution evidence. He further submits that some of the named accused have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 51329 of 2016 dated 12.01.2017 and Cr. Misc. No. 3536 of 2017 dated 27.02.2017.



However, learned counsel appearing on behalf of the State submits that the petitioner was found to be involved in commission of the offence and that post mortem report specifies five injuries on the deceased, hence, opposes the prayer for bail.

Considering the facts and circumstance of the case, the petitioner, Kunkun Singh, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. S. Kirti, learned Judicial Magistrate, 1st class, Banka, in connection with Chandan (Anandpur) P.S.Case No. 66 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates of his part without any reason shall disentitle the petitioner from privilege of bail

(Nilu Agrawal, J)

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