

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20223 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -BARIYARPUR District- MUNGER

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Kundan Kumar Son of Sri Bhuneshwar Sharma, Resident of Village-
Bahadurpur, Police Station- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Smt. Pronati Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 12-07-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bariyarpur P.S. Case No. 04 of 2017 for the offences punishable under sections 302, 307 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and his other family members came with two unknown miscreants and entered into the house of the informant. The petitioner and Shanti Devi got identified the wife and daughter of the informant from that unknown miscreants and thereafter the unknown miscreants opened fire upon the wife and daughter of the informant resulting serious injury and the wife of the informant died, whereas,



daughter of the informant was being treated in serious condition. It is further stated that from the father of the petitioner land dispute is going on from earlier.

Submission is of false implication and that the petitioner is the railway employee, he has got no concern with the occurrence, due to land dispute name of the petitioner, his father and other family members have been implicated, the land dispute is going on for the last 25 years and from the civil court judgment has come in favour of father of the petitioner, the independent witnesses vide paragraphs- 9 and 22 of the case diary have stated otherwise and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner and Shanti Devi got identified the wife and daughter of the informant from unknown miscreants and that unknown miscreants shot the daughter and wife of the informant, several witnesses have supported the prosecution case and as such the petitioner does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and



accordingly his such prayer stands rejected in connection with the
aforementioned case pending in the court of C.J.M. Munger.

However, in case and if so advised, the petitioner
surrenders and seeks regular bail then his prayer for regular bail
shall be considered on its own merit without being prejudiced by
this order, preferably on the same day.

(Jitendra Mohan Sharma, J)

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