

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70724 of 2018

Arising Out of PS. Case No.-475 Year-2018 Thana- JAHANABAD District- Jehanabad

KUNDAN KUMAR, son of Vinod Yadav, resident of Mohalla Unta
Madarpur, P.S. and District Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 09.07.2018 in a case registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Harendra Yadav recorded by Anil Kumar, S.I., Jehanabad P.S. on 14.06.2018 at 11.45 P.M. at Sadar Hospital, Jehanabad is to the effect that on the same day at about 11.00 A.M., there was some dispute between the informant and accused persons on the betel shop of the Amit Kumar and in order to pacify the dispute, the victim, Vinod Kumar went there. In the meantime, nine accused persons including the petitioner and five unknown,



assaulted the victim and co-accused Bisi Yadav resorted to fire on the victim, as a result, the victim died on the spot.

It is submitted by the learned counsel for the petitioner that prior to the present incident, the petitioner was assaulted by the victim Vinod Kumar, leading to register a case being Jehanabad P.S. Case No.477 of 2018 with accusation under Sections 341, 323, 326, 307 and 34 of the I.P.C. and Section 27 of the Arms Act. In the said incident, the petitioner also received injuries and was referred to hospital. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation of assault is specific against the petitioner and does not deny the counter version of occurrence.

Considering the facts that the accusation is omnibus and general against nine persons and only specific accusation is against the co-accused Bisi Yadav, who resorted to fire on the victim and there being a counter version of occurrence, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of



like amount each to the satisfaction of learned **Chief Judicial Magistrate, Jehanabad** in connection with **Jehanabad P.S. Case No. 475 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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