

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59125 of 2019

Arising Out of PS. Case No.-351 Year-2019 Thana- RUPASPUR District- Patna

KUNDAN KUMAR, aged about 20 years, Male, Son of Subhash Chaudhary,
Resident of Village - Haridaspur, P.S.- Rupashpur, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashok Kumar Mishra, Advocate.
For the Opposite Party : Mr.Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 147, 148, 149, 341, 323, 353, 337,
338, 307, 504 and 302 of the IPC.

The prosecution story, in brief, is that on getting
information when the informant and others went at the place of
occurrence, he saw that 200-300 persons including the male and
female members, having armed with Lathi-Danda, bricks, stones
and sword were brutally assaulting three persons. On seeing the
police forces, mob became violent and pelting stones on them.
Anyhow, with the help of police forces, three injured persons,
who were assaulted, set free from the mob. Thereafter,
grievously injured persons Chandan Kumar, Subhash Singh and



one unknown persons were sent for treatment to the Hospital. Thereafter, they were arrested 32 persons including the petitioner and rest fled away. During course of treatment, one of them unknown person died. During course of occurrence, police personnel were also injured. So, the accused persons on the basis of rumour child theft, brutally assaulted three persons. in which, one of them were died during course of treatment. They also created terror and mob lynching in locality and also used criminal force to deter the public servant from discharging his duty.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 04.08.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Altogether 38 persons named alongwith 200-300 unknown are accused in this case. The petitioner is named in the F.I.R. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IInd, Danapur, in connection with Rupaspur P.S. Case No. 351 of 2019.

(Sudhir Singh, J)

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