

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77330 of 2019

Arising Out of PS. Case No.-351 Year-2019 Thana- JAHANABAD District- Jehanabad

Kundan Singh @ Kundan Kumar, S/O- Satyendra Singh, resident of village -
Sahwajur, P.S. - Jehanabad (Kalpa O.P.), District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Prasad Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the informant	:	Mr. Birendra Kumar, Advocate
		Ms. Sanju Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-12-2019

Heard learned counsel for the petitioner; learned APP
for the State and Ms. Sanju Singh, learned counsel for the
informant, who has *suo motu* appeared.

2. The petitioner seeks bail in connection with
Jehanabad (Kulpa OP) PS Case No.351 of 2019 dated
05.05.2019 instituted under Sections 147, 148, 149, 302, 120-B,
324 of the Indian Penal Code and 27 of the Arms Act

3. The allegation against the petitioner and eight
others is of firing on the deceased, who was the father of the
informant, resulting in his death.

4. Learned counsel for the petitioner submitted that
initially in the First Information Report there is general and
omnibus allegation of indiscriminate firing against all the
accused including the petitioner. It was submitted that only one



witness, Raju Yadav, has stated that six accused persons had opened fire in which the petitioner is also included. Learned counsel submitted that there is no other witness to the incident and the petitioner has been made accused just because he is cousin of the persons with whom the deceased may have had some land dispute, but the same would not be sufficient cause for the petitioner to have committed the crime. Learned counsel submitted that he is in custody since 14.08.2019.

5. Learned APP and learned counsel for the informant submitted that there is specific allegation, both in the First Information Report and the version of the eye witness with regard to the petitioner resorting to firing which resulted in death of the deceased and from the place of occurrence also three empty cartridges and three pellets having been recovered, *prima facie* the involvement of the petitioner is established.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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