

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27646 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- MIRGANJ District- Gopalganj

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Kaushal Kumar Singh @ Koshal Kishore Kumar S/O Late Upender Singh
Resident of Village - Matihani Madho, P.S. Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2020 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State through video conferencing.

This relates to grant of bail to petitioner in Mirganj
P.S. Case No. 12 of 2020 registered for the offence under
Sections 302, 120-B and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution case, on 12-01-2020 at about
1:15 PM, while the husband of the informant was sitting in his
service centre at NH-85 near Jigna Dhala, five miscreants came
there on two motorcycles and committed the murder of
informant's husband by indiscriminate firing. It is further
alleged that out of five miscreants, the informant identified this



petitioner, as one of the assailant.

It is submitted on behalf of petitioner that petitioner and informant are co-villagers and the deceased was accused in the murder of petitioner's father (Upender Singh), for which, an FIR, vide Mirganj P.S. Case No. 160 of 2018 under Sections 302, 120-B of IPC and Section 27 of the Arms Act, was lodged. It is further submitted that the mother of the petitioner is present Mukhiya of her *panchayat* and there was political rivalry between the parties, for which, the deceased had also filed an election case, vide Election Case No. 02 of 2016, before the court of Munsif, Gopalganj. It is also submitted that the place of occurrence is service centre and as such, the presence of informant is very doubtful. It is submitted that there is no specific allegation against the petitioner and petitioner has surrendered in the court below on 01-02-2020.

However, learned A.P.P. for the State vehemently opposed the bail application and submitted that there is specific allegation against the petitioner and petitioner was also identified by the informant, as one of the assailant, who fired upon her husband, as a result of which, he died. Learned A.P.P. further submits that the *post-mortem* report also supports the prosecution case.



Considering the aforesaid facts and circumstances, the
bail application of the petitioner is rejected.

(Prabhat Kumar Singh, J.)

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