

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27897 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Abhay Singh @ Abhay Kumar Singh, S/o Late Ramvaran Singh @ Late
Rambarat Singh, Resident of Village-Jaitiya, P.S.-Cherki, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-11-2020 In view of the submission and undertaking of the

learned counsel for the petitioner, at the time of hearing of this

application through Video Conferencing, that he would remove

the defect(s), as pointed out by the stamp reporter, within two

weeks of starting of the Court proceeding in physical mode, he

is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case No. 77 of 2020, registered
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The accusation is that in the evening of 23.04.2020,



Deepak Yadav @ Deepak Kumar, son of the informant, Nageshwar Yadav, was playing cricket in the ground of village Gulni. At that time, informant, Nageshwar Yadav, was going to attend the call of nature then saw that Guddu Singh, Probodh Singh @ Lalun, Mukesh Kumar, Jitesh Kumar, Kunal Kumar, Nitish Kumar and 3 to 4 unknown started to raise alarm to catch his son, on which, he made query. In the meantime, Mukesh Kumar fired upon him through Katta then he laid down and save himself. At that time, Guddu Kumar @ Guddu Singh opened fire through Katta which hit at the chest of his son, Deep Kumar and thereafter, Jitesh Kumr, Kunal Kumr, Nitish Kumar and Probodh Singh also opened fire through pistol. Thereafter, his son was rushed at Primary Hospital Pilgrim, Gaya, where the Doctor declared him dead.

Learned counsel for the petitioner submits that petitioner is not named in the Fardbeyan of the informant, Nageshwar Yadav, who is eye witness of the occurrence but due to dirty local politics, informant disclosed the name of the petitioner in his re-statement as the member of mob, without any specific overt act, as petitioner is the *Gotia* of co-accused, Probodh Singh. Further submission is that petitioner has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gaya, in connection with Magadh Medical P.S. Case No. 77 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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