

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28682 of 2020

Arising Out of PS. Case No.-172 Year-2020 Thana- BIDUPUR District- Vaishali

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Kundan Singh, Male, aged about 30 years, Son of Late Diwakar Singh,
Resident of Village- Panapur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the State : Mr.Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 172 of 2020 registered for the offences punishable
under Sections 302, 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution story in brief, is that on 15.05.2020 at
around 10:00 A.M., the informant's husband left for his sfactory
situated at Maghupur on his splendor motorcycle bearing
Registration No.BR31AG 2378. The informant received a call
from an unknown person somewhere between 10:30 to 11:00
and informing her factory. The informant along with her son
Manoranjan Kumar Singh left for the factory and was calling
her husband on his mobile phone continuously. When she
reached Madhurapur milk centre she was told by few people



that her husband was Mukhiya Luv Babu was shot by Punam Devi in the court of Arun Mehta. It is further alleged that when the informant along with her son reached the place of occurrence she saw her husband lying there in pool of blood and upon asking him he told the informant that Amrendra Kumar Singh, Kunal Singh, Kundan Singh, Pappu Singh, Arun Mehta in conspiracy with three other unknown persons came on motorcycle and shot him after calling him to the courtyard of Arun Mehta on the pretext of meeting. The informant's husband died during treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case as the mother of the petitioner had contested for the post of Mukhiya against the informant. He further submits that the allegation is tht the informant reached near her husband who had been shot. Her husband informed her that petitioner in conspiracy along with five named and three unnamed persons shot him. He further submits that the informant is not an eye witness to the occurrence. Her version is based on the so-called dying declaration of her husband. He further submits that one Rakesh Kumar Yadav one of the persons who allegedly killed the deceased has laid bare the entire episode relating to



conspiracy and actual occurrence. The motorcycle used in the occurrence has also been recovered from him. He has not even named the petitioner. He further submits that the petitioner is in jail custody since 15.05.2020.

Learned A.P.P. for the State opposed the bail petition.

I have perused the record including the case diary. The police has recorded the statement of co-accused Ramesh Kumar Yadav. On his statement, he accepted that he killed the deceased and other witnesses have also supported the prosecution case.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No. 172 of 2020.

(Anjani Kumar Sharan, J)

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