

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49981 of 2019

Arising Out of PS. Case No.-434 Year-2018 Thana- BARH District- Patna

=====

KUNDAN MAHTO @ KUNDAN KUMAR Son of Murari Mahto @ Murari Prasad Resident of Village- Chondi, Police Station- Barh and District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.-2

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-03-2020 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 31.01.2019 in a case registered for the offences punishable under Sections 302 and 307/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Gopal Prasad Ram, recorded by Doman Das, S.I. of Police on 11.11.2018 at P.M.C.H. is to the effect that on 10.11.2018, the informant was at his house when he received information that his son Punnu Kumar went to watch religious programme where some scuffle took place between the son of the informant and all the FIR named accused persons including the petitioner. Consequently the informant reached to the place of occurrence and found that all the accused persons were abusing and assaulting the son of



the informant and when the informant made protest then the petitioner Kundan Kumar and co-accused Chandan Kumar resorted to fire as a result, the son of the informant received two firearm injuries. Subsequently, the son of the informant was taken to the hospital where he succumbed to the injuries.

It is submitted by learned counsel for the petitioner that though in the FIR as contained in Annexure-1, there is direct accusation of firing against the petitioner and co-accused Chandan Kumar, but there is another version of the said incident also leading to registration of Barh P.S. Case No. 435 of 2018 as contained in Annexure-2, registered on the written report of Leela Devi, which suggests that in the said religious programme, someone resorted to fire, leading to injuries to the son of the informant whereas co-accused Jai Raj Kumar in his confessional statement, as contained in Annexure-3, admits that he resorted to fire on the son of the informant of the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that there is specific accusation of firing against the petitioner and co-accused Chandan Kumar and such accusation is corroborated by the postmortem report.



Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for regular bail of the petitioner is rejected in connection with Barh P.S. Case No. 434 of 2018, pending in the Court of learned ACJM-1st, Barh, Patna.

However, it is expected from the trial court to expedite the trial.

Accordingly, the present application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

