

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74481 of 2019**

Arising Out of PS. Case No.-652 Year-2018 Thana- HILSA District- Nalanda

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BIPIN KUMAR Son of Akhilendra Prasad Resident of Village- Kausia Bigha,
P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 08.04.2019 in a case registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the basis of written report of Suraj Kumar submitted before the Station House Officer, Hilsa Police Station is to the effect that on 30.11.2018, the informant's sister lodged a case against her in-laws family members and in pursuance to that the informant and her sister went to Hilsa to attend the court proceeding and the father of the informant also accompanied them since he had to appear in the Court proceeding in connection with a land dispute case. On the way, the informant saw brother-in-



law of his sister namely Kamlesh Kumar and the nephew of Kamlesh Kumar, i.e., the present petitioner Bipin Kumar, respectively, were roaming on a motorcycle. It is alleged that on 10.15 A.M., all the accused persons, including the petitioner surrounded the father of the informant, whereupon, co-accused, Bhushan Mahto fired on the informant's father and thereafter, the petitioner Bipin Kumar and co-accused, Kamlesh Kumar also fired on the father of the informant. The motive of the occurrence is land dispute.

It is submitted by learned counsel for the petitioner that the Sanha entry vide Sanha No. 958 of 2018 was made on 30.11.2018 at 10.20 A.M. when the villagers came and identified the dead body, hence, the Sanha diary entry was made against unknown and thereafter at 12.00 P.M., the present written report was submitted by the informant levelling accusation against the petitioner and others. It is further submitted that during investigation, from the CCTV footage, it appears that at the place of occurrence, the two motorcycle borne criminals having covered their faces with masks came and resorted to fire upon the informant's father. Subsequently, the two persons have been identified as Anshu and Deepak @ Dipu. The



CCTV footage further gets corroborated with the medical opinion, wherein only two wound of entry has been found on the body of the victim during post-mortem.

Learned APP for the State submits that the accusation is specific against the petitioner in the FIR to have resorted fire, but the CCTV footage suggests that the firing was made by co-accused, Anshu and Deepak @ Dipu and two entry wound has been found during post-mortem.

Considering the accusation of firing by three persons being negated by the CCTV footage, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Hilsa, Nalanda, in connection with S. Tr. No. 388 of 2019, arising out of Hilsa P.S. Case No. 652 of 2018.

(Dinesh Kumar Singh, J)

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