

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63837 of 2019

Arising Out of PS. Case No.-301 Year-2018 Thana- KHAGAUL District- Patna

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AMIT KUMAR Son of Lakhan Prasad Gupta @ Lakhan Prasad Resident of
Main Road Thana More, P.S.- Danapur, Distt - Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate.
For the State : Mr. Ram Sevak Choudhary, A.P.P.

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

ORAL ORDER

5 06-02-2020 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Khagaul P.S. Case No.301 of 2018 registered under
Section 302 of the Indian Penal Code besides Section 27 of the
Arms Act.

The accusation is that on receiving the information
about the killing of his brother, namely, Arun Kumar, near Shiv
Mandir Cant Road, by firing shot by some unknown, the
informant reached there, then he came to know that the police
had taken his brother to Danapur Hospital for treatment and
when the informant reached there, he came to know that the
doctor has declared his brother brought dead. The informant has



not raised suspicion against anyone having hand in the murder of his brother.

Learned counsel for the petitioner submits that on the basis of the fardbeyan of the informant regarding the murder of his brother, namely, Arun Kumar, the present case was lodged against unknown. Later on, the police got recorded the statement of one Vandana Singh, who claimed that the deceased Arun Kumar, the brother of the informant, used to do the work of Munshi with her husband. At the time of the occurrence, she was also present and saw four persons, namely, Deepak Paswan alias Teni, Sanjay Paswan, Arvind Mahto and Amit Kumar (petitioner), having firearm in their hand, came there and made indiscriminate firing at the deceased Arun Kumar. In fact, regarding the murder of Manoj Singh, the husband of Vandana Singh, Khagaul P.S. Case No.86 of 2018 was instituted, in which the petitioner and three others are accused, due to that reason, Vandana Singh disclosed the name of the petitioner and three others in her statement, as detailed in paragraph-8 of the case diary.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be



enlarged on bail on his furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Additional Chief Judicial
Magistrate-V, Danapur, Patna, in connection with Khagaul P.S.
Case No.301 of 2018, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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