

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77114 of 2019**

Arising Out of PS. Case No.-379 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Kundan Singh @ Kundan Kumar Son of Tirath Singh @ Tirth Narayan Singh
@ Tirath Narayan Singh Resident of Village - Dumri, P.S.- Muffasil, Distt.-
Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 23-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

The petitioner has filed the present application for
grant of pre-arrest bail in connection with Muffasil P.S. Case
No. 379 of 2019 registered for the offence punishable under
Sections 341, 323, 324, 307, 354B and 379/34 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioner that the petitioner is the full brother of the informant
and resided in the common house. During investigation,
statement of witnesses, namely, Sanjeev Singh, Nand Kishore
Singh and Dhiraj Singh have been recorded and they all have



categorically stated that the petitioner and the informant being full brothers are residing in the common house constructed on the land which has been given by their maternal grand-parents. They have further stated that in the common courtyard, there is one tube well near which wife of the petitioner always used to keep dirty articles and never cleaned it and when the wife of the informant told her to keep it clean, the alleged incident took place.

He contended that the injuries sustained by the informant and his wife are simple and superficial in nature and the ingredients of the offences alleged under Sections 307 and 354B of the Indian Penal Code are completely missing. Similarly, the allegation made under Section 379 of the Indian Penal Code is ornamental in nature.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the facts and circumstances of the case, materials collected during investigation and the submissions advanced on behalf of the parties, in the event of arrest or surrender before the court below, the petitioner is directed to 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 Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 379 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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