

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24218 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Kundan Yadav Son of Shiv Yadav Resident of Village - Taufir T.V Centre,
P.S.- Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 113 of 2020 instituted for the offences
under Sections 341, 323, 307, 302, 504, 506 and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 17.09.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
informant alleges that her husband (deceased) along with the
family members was in his house and when the husband of the
informant came out from his house he saw that his neighbour
co-accused, Shiv Yadav by force surrounded the homestead land



of the informant upon which the husband of the informant protested. It is further alleged that on the protest made there was a fight between the family member of the informant on one side and family member of the informant on other side. It is next alleged that on order of Shiv Yadav, Kundan Yadav (petitioner) assaulted with butt of the rifle on the head of the husband of the informant who died during the course of treatment at Bhagalpur.

Learned counsel for the petitioner submits that admittedly from the F.I.R. it would manifest that this petitioner was carrying a rifle and if he had intention to kill the deceased he would have fired but since on the spur of the moment the fight broke relating to dispute regarding a homestead land, the petitioner seeing other side assault, also assaulted with the butt of the rifle on the head of the deceased leading to his death during the course of investigation.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for regular bail of the petitioner. Learned counsel for the informant submits that the fact that the deceased was assaulted by the butt of the rifle leading to his death in itself shows the force with which the butt was used.

Considering the fact that the petitioner is alleged to be



the assailant of the deceased as aforesaid, the Court for the present is not inclined to grant bail to the petitioner. His prayer for bail is thus refused.

(Satyavrat Verma, J)

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