

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27181 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- KHAGAUL District- Patna

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KUNAL SINGH @ KUNAL KUMAR SINGH, S/o Late Mathura Prasad Singh, age about 30 years, Gender-Male, Resident of Village- Last Loco Colony, Bihind Durga Mandir, Khagaul, Jamuluddin Chak, P.S.- Khagaul, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ram Bilas Roy 'Raman', A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

The petitioner is apprehending his arrest in connection with Khagaul P.S. Case No. 237/2020 for the offence registered under Sections 302, 307, 120(B)/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that two persons wearing mask on their mouth arrived at informant's house at about 7.30 P.M. on 28.12.2020 and called his father. When his father came out of the house, they fired on him in his chest.



Hearing sound of firing, informant's younger brother Abhijeet Kumar Singh came out and he was also shot. Both injured were taken to hospital. However, informant's father passed away. As per F.I.R., informant's father had land dispute with the petitioner and three others who had threatened him to kill. Informant believed that the petitioner and three others named in the F.I.R. committed murder of his father and shot his brother with an intention to kill him.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Reason for suspecting the involvement of the petitioner is based upon the previous enmity. There is no allegation against the petitioner that he assaulted the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII, Danapur, Patna, in connection with Khagaul P.S. Case No. 237/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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