

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30948 of 2021

Arising Out of PS. Case No.-571 Year-2019 Thana- BIHTA District- Patna

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KUNDAN NUT SON OF UMESH NUT @ UMESH NAT R/O VILLAGE-
RAGHOPUR, P.S.- BIHTA, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad
For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bihta Police Station Case No. 571 of 2019, registered for the
offence punishable under Sections 302/307/326/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the petitioner,
along with other co-accused persons, resorted to indiscriminate
firing upon the informant and others in a wedding ceremony. It
is further alleged that co-accused Pintu Nut fired upon the
informant, which hit him in his right leg and co-accused Baban
Nut fired upon one Ram Ishwar Ram, which hit him in his left
temporal region and he died at the spot. The informant further
alleged that by the firing made by other co-accused persons, one



Mritunjay Kumar got bullet injury in his right leg and one Ramdev Paswan got injury in his right hand.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that the allegation levelled against the petitioner is general and omnibus in nature and there is specific allegation of firing upon co-accused Pintu Nut and Baban Nut. He further submits that there is no injury report of alleged injured Mritunjay Kumar and Ramdev Paswan in the case diary, which would be evident from the order, dated 17.03.2020, passed in Criminal Misc. No. 78697 of 2019. He further submits that co-accused persons, namely, Sher Bihar Nut and Dharmendra Nut (by order, dated 17.03.2019, passed in Criminal Misc. No. 78697 of 2019), Arvind Nut (by order, dated 20.03.2020, passed in Criminal Misc. No. 83560 of 2019), Fudena Nut (by order, dated 16.09.2020, passed in Criminal Misc. No. 23780 of 2020) and Anil Nut (by order, dated 09.02.2021, passed in Criminal Misc. No. 33854 of 2020) have been granted bail by this Court and the case of the petitioner is on identical footing. He next submits that the petitioner has got no criminal antecedent and he is in custody since 18.01.2021.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent, there is general and omnibus allegation against him, similarly situated co-accused persons have been granted bail by this Court and he is in custody since 18.01.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Bihta Police Station Case No. 571 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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