

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28604 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- VISHNUPAD District- Gaya

KUNDAN KUMAR PANDEY @ TUN TUN PANDEY Son of Deodas
Pandey Resident of Village- Muhalla- Lakhanpura, P.S.- Vishnupad, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 08-01-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Vishnupad Police Station Case No. 29 of 2020, registered for
the offence punishable under Sections 302/120-B/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation, as per the First Information Report, is
that the accused persons, named in the First Information Report,
arrived at the shop of the brother of the informant (now
deceased) and demanded extortion money of Rs. Two lakhs and
upon refusal, co-accused Mittu Yadav @ Langra fired upon the



brother of the informant, due to which he died on the spot.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has falsely been implicated in this case on the basis of the CDR of mobile, from which it has come that the deceased had a talk with the petitioner. He further submits that there is specific allegation against co-accused Mittu Yadav @ Langra of firing upon the deceased, who is named in the First Information Report. He further submits that the confessional statement of the petitioner was recorded, from which it would be evident that the petitioner was not involved in the killing of the deceased. He further submits that the petitioner has got no criminal antecedent and he is in custody since 03.03.2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 03.03.2020 and charge sheet has already been submitted against the petitioner and there is no apprehension that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

This application is 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 Special Judge, Excise, Gaya, in connection with Vishnupad Police Station Case No. 29 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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