

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36644 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- BHAGWANPUR District- Begusarai

KUNDAN KUMAR @ KUNDAN SINGH S/o Sri Jawahar Singh R/o
village- Mubarakpur, P.S.- Bhagwanpur, District- Bugusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh
For the Opposite Party/s	:	Mr.Raj Kishore Singh, APP
For the informant	:	Mr. Abhay Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2021 Heard the learned counsel for the petitioner, Shri
Abhay Kumar Jha, the learned for the informant and Shri Raj
Kishore Singh, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 98 of 2020 for the offence
punishable under Sections 341, 323, 324, 325, 326, 307/34 of
the Indian Penal Code.

The allegation is regarding the accused persons
including the petitioner herein having arrived at the *Chura* mill
in question where-after the accused persons are stated to have
assaulted one Anjani Singh and the informant. As far as the
petitioner is concerned, he is stated to have assaulted Anjani



Singh on his head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.06.2020. The learned counsel for the petitioner has further submitted that the present case arises out of a case and counter case and pertaining to the same incident, the petitioner has also in fact filed one complaint case bearing Complaint Case No. 523-C of 2020 before the learned court of C.J.M., Begusarai, which is apparent from Annexure-3 to the present petition. It is submitted that in the said incident, the petitioner has also been grievously injured. The learned counsel for the petitioner has also submitted that the land dispute is going on between the parties from before.

Per contra, the learned Additional Public Prosecutor, Shri Raj Kishore Singh and the learned counsel for the informant Shri Abhay Kumar have submitted that the aforesaid Anjani Singh has also received grievous injury which is attributable to the petitioner and other accused persons, hence, the petitioner be not granted the privilege of bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned



counsel for the parties and taking into account the materials available on record as also considering the fact that the present case arises out of a case and counter case and the petitioner has also been grievously injured in the said occurrence, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 19.06.2020, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 98 of 2020.

(Mohit Kumar Shah, J)

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