

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1734 of 2021**

Arising Out of PS. Case No.-280 Year-2019 Thana- BARAUNI District- Begusarai

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Bhola Kunwar @ Bhola Kumar aged about 33 years Son of Janardhan Kunwar Resident of Village- Bihath Khamekhpur, P.S.- Barauni, Dist.- Begusarai

... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner : Mr.Mohit Shriwastava, Advocate

For the Opposite Party : Mrs. Pushpa Singh No.1, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 18-05-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner, the State and perused the case diary.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 307/302 and other ancillary sections of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, at about midnight of



27.6.2019, all the 12 named accused persons including the petitioner came to the house of the informant and at the instance of co-accused Sohan Kunwar they made indiscriminate firing as a result of which her son died on the spot and she also received fire arm injuries in the stomach.

Learned counsel for the petitioner submits that even as per the FIR, about 12 accused persons have made indiscriminate firing but only 9 anti mortem injuries have been found on the person of the deceased and in such a situation it is improbable to ascertain that who caused fatal injury to the deceased. Admittedly, there is land dispute and old litigation between the parties. He further submits that the deceased was having criminal history and he might have been killed by his rivals. Thereafter, petitioner and other accused persons, who happen to be pattidars of the deceased, have falsely been implicated in this case. More so, no incriminating material has been collected against the petitioner during course of investigation. Petitioner has claimed clean antecedent and he is in custody since 5.2.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that there is allegation against the petitioner that



he and other accused persons went to the house of the informant in the wee hours and made indiscriminate firing as a result of which her son died on the spot. Post mortem report also supports the prosecution case.

Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation of firing against the petitioner coupled with the fact that he has got clean antecedent and land dispute and old enmity are going on between the parties, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Begusarai in Barauni Police Station Case No. 280 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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