

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40663 of 2020

Arising Out of PS. Case No.-195 Year-2019 Thana- NOORSARAI District- Nalanda

Kundan Kumar S/O Sri Shankar Garai @ Ravi Shankar Prasad Garai
Resident of Village and P.O.-Daruaara, P.S.-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajan Ghoshrave
For the Opposite Party/s :	Mr.Anil Prasad Singh
	Mr.Ajay Kr. Singh No.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 07-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Noorsarai P.S. Case No. 195 of 2019, G.R. No. 3597 of 2019, registered for the offence under Sections 302/201/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 02.07.2019 at about 4 PM, this petitioner alongwith three other FIR named co-accused took away the son of informant, after calling him from his house, and due to previous dispute, killed him and threw the dead-body near village Kakhra.

It is submitted on behalf of petitioner that informant is not the eye-witness to the occurrence and only suspicion has



been raised against this petitioner. It is further submitted that petitioner has been falsely implicated in this case due to village politics and petitioner is a patient of *Psychotic Depressive Type of Mental Disorder* and he is in custody since 11.11.2019.

However, counsel for the informant vehemently opposed the bail application and submitted that during course of investigation, the statement of brother of the deceased was recorded, in which, it is stated that this petitioner alongwith other persons was seen assaulting the deceased and forcibly taking away the deceased on motorcycle.

Considering the aforesaid facts and circumstances and the fact that during course of investigation, the material has come that petitioner was seen alongwith other persons assaulting the deceased and forcibly taking away the deceased on a motorcycle, the bail application of the petitioner is rejected.

(Prabhat Kumar Singh, J.)

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