

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23927 of 2021

Arising Out of PS. Case No.-66 Year-2019 Thana- PAKRIDAYAL District- East Champaran

KUNAL KUMAR @ KUNAL SINGH, aged about 22 years (M), Son of Arun Singh Resident of Village - Harnathpur, P.S. - Pakaridayal, District - East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Pakaridayal P.S. Case No. 66 of 2019 for the offence registered under Sections 302/34 and 120(B) of the I.P.C.

The prosecution story, in brief, is that on 24.03.2019 at about 9.00 P.M., in the night, a scuffle took place due to land dispute. Thereafter, co-accused Ashok Kumar, Arun Singh and Kunal Singh (petitioner) came at the *Darwaza* of the informant and started abusing him. On protest, co-accused Arun Singh



assaulted with *Lathi* on the head of the informant's father, as a result of which, he fell down and thereafter co-accused Ashok Singh and Kunal Singh (petitioner) assaulted with *Lathi* on the body of the informant's father. On hulla, villagers assembled there and saved him. The injured was taken to *Pakaridayal* and then he was referred to *Rahmania Hospital* at Motihari but on the way, he died. Hence, F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner and co-accused Ashok Kumar for assaulting the deceased with *Lathi* on the body. As per the postmortem report, injury is said to have been found on the head of the deceased which has specifically been attributed to the co-accused Arun Singh. Nature of injury is said to be incised wound which does not corroborate with the allegation levelled in the F.I.R. where weapon like *Lathi* is said to have been used by the petitioner and other accused. The postmortem report does not support the allegation as levelled against the petitioner in the F.I.R.



On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Chief Judicial Magistrate, Motihari, East Champaran, in connection with Pakaridayal P.S. Case No. 66 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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