

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28337 of 2022**

Arising Out of PS. Case No.-158 Year-2020 Thana- BIDUPUR District- Vaishali

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KUNDAN KUMAR SINGH @ KUNDAN KUMAR @ KUNDAN SINGH
@ RAJESH KUMAR S/o Rambabu Singh @ Rambabu Rai Resident of
Village- Gopalpur Chaknai, P.S.- Bidupur, District- Vaisahali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh
For the State	:	Mr. Shyam Kumar Singh
For the informant/s	:	Mr. Chaubey Jawahar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-09-2022 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 341, 323, 324,
307 read with 34 of the Indian Penal Code and 27 of the Arms
Act.

As per the prosecution case, the petitioner and co-
accused persons came to the house of the informant and started
knocking the gate of her house. On being inquired, they started



abusing her and asked where her brother-in-law Sanjay Singh was. They tried to open the gate forcibly. Thereafter, they started opening five to seven shots and the informant got injured on her thigh. The informant has further stated that she was shot by the petitioner Kundan Kumar Singh and co-accused Ritesh Kumar.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is accused in 8 other criminal cases and he is on bail in all the eight cases as stated in para 3 of the bail petition. The impugned order does not suggest the nature of injury. It is further submitted that the co-accused Ritesh Kumar was killed prior to the occurrence of this present case. As per F.I.R., the sons and brother-in-law of the informant are accused of Bidupur P.S. Case No. 153 of 2020 instituted for murder of cousin brother of this petitioner. The injury caused by gunshot is on non-vital part of the body. The petitioner is in custody since 10.01.2022.

Learned A.P.P. for the state has opposed the bail petition of the petitioner and learned counsel for the informant Chaubey Jawahar has vehemently opposed the bail petition of



the petitioner by submitting that there is specific allegation against the petitioner and co-accused Ritesh Kumar. It is further submitted that co-accused Ritesh Kumar was present on the spot at the time of alleged occurrence.

Considering the aforesaid facts and circumstances of the case as well as the period of detention and injury found on non-vital part, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali in connection with Bidupur P.S. Case No. 158 of 2020, with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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