

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43459 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- BIRPUR District- Supaul

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Kundan Kumar @ Kundan Kumar Yadav @ Kundan Kumar Goit Son of  
Narayan Yadav @ Narayan Kumar Goit Resident of Village - Jago Aragee,  
P.S. Birpur, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                     |
|--------------------------|---|---------------------|
| For the Petitioner/s     | : | Mr.Rajesh Ranjan    |
| For the Informant        | : | Mr. Sanjeev Kumar   |
| For the Opposite Party/s | : | Mr.Ram Anurag Singh |

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

3      03-01-2022                      Heard both parties.

The petitioner seeks bail in Birpur P.S. Case No. 85 of 2020, registered for the offence punishable under Sections 307, 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, this petitioner is alleged to have assaulted nephew of the informant by bamboo stick and co-accused Manish Yadav fired upon him as a result of which informant's nephew died on the spot.

It is submitted on behalf of the petitioner that specific allegation of firing is against co-accused Manish Yadav. The only allegation against this petitioner is that he assaulted the deceased with bamboo stick. As per the postmortem report, cause of death is injuries sustained by firearm. Moreover,



similarly situated co-accused persons have been granted bail by different benches of this Court. Petitioner is in custody since 06.02.2021 having clean antecedent.

Counsel for the informant however vehemently opposed the prayer for bail and submitted that this petitioner also participated in the alleged occurrence, as a result of which informant's nephew died.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to 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 the learned Additional Chief Judicial Magistrate Ist, Birpur, Supaul in connection with Birpur P.S. Case No. 85 of 2020.

**(Prabhat Kumar Singh, J)**

vinita/-

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