

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55787 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- RUPAULI District- Purnia

PINTU KUMAR @ AMARDEEP KUMAR Son of Janardan Singh Resident
of Village - Gwalpara Madrauni Vasa, P.S. - Rupauli, Distt. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Rupauli P.S. Case No. 55 of 2021 instituted for the offences
under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.04.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that on the day of Holi verbal
duel started between the two group, where petitioner along with
named accused person were present variously armed and a fight
grow between the group and Dhruv Kumar (deceased) came at



the place of occurrence to witness the fight when firing was made on account of which Dhruv Kumar died.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that there was verbal duel between the two group on the day of Holi as a result of which there was a fight between the group and the deceased merely came to the place of occurrence to witness the occurrence when firing was made as a result of which the deceased died. Learned counsel submits that there is no specific allegation in the FIR with regard to firing made by the petitioner, merely because the petitioner was also present at the place of occurrence and he also received injury in the fight, as such, he came to be implicated in the present occurrence. Learned counsel thus submits that admittedly the FIR is completely silent that as to who fired and by whose firing the deceased died.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and the FIR does not specify or disclose the name of the assailant who fired, let the petitioner above named be released



on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Rupauli P.S. Case No. 55 of 2021.

(Satyavrat Verma, J)

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