

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68585 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- FATUA District- Patna

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KUNDAN KUMAR @ KUNDAN SINGH S/o- Sri Mukesh Singh Resident
of Village - Jaggu Bigha, P.S. - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 147, 148 and 149 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 27.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that on account of dispute
relating to Chandan with his minor daughter, sixteen accused
persons, including the petitioner, came to the house of the
informant and on orders of Vinay Singh and Mukesh Singh,
Kundan Singh (petitioner) fired causing injury on the head of
the informant's wife who died.



Learned counsel for the petitioner, at the outset, fairly submits that petitioner is alleged to be the main assailant, trial has commenced and out of six witnesses, three witnesses have been examined including the informant, but all the three witnesses have been declared hostile.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the case of the petitioner is different from Binay Singh and Mukesh Singh as they were alleged to be order giver but this petitioner is alleged to be the main assailant.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with a direction to the learned court below to ensure that the trial is completed within a period of four months from the date of receipt/production of a copy of this order.

Further, the District Magistrate, Patna and the S.S.P., Patna are also directed to ensure that the official witnesses appear in the learned court below as and when required by the learned court below failing which it shall be presumed that the prosecution is being delayed at the instance of the official witnesses.



Let a copy of the order be sent to the District
Magistrate, Patna and S.S.P., Patna forthwith.

(Satyavrat Verma, J)

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