

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72548 of 2021

Arising Out of PS. Case No.-473 Year-2020 Thana- BARAUNI District- Begusarai

RAJNISH KUMAR Son of Arun Singh @ Arun Kumar Resident of Village -
Bihat , Tole Khemkaranpur, Ward no.16, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Harish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-06-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that in the marriage of the petitioner, the accused persons started insisting upon the son of the informant to dance. Avnish Kumar, Rajnish Kumar and Arun Singh forced him down from the vehicle. It is stated that on the orders of Arun Singh, Avnish Kumar fired from his pistol which hit the son of the informant in his head and he died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Accepting the allegations in the F.I.R., at best it was a case of accidental firing. In any case, even from the allegations in the



F.I.R., the petitioner is not the assailant. He is in custody since 2.9.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him that as a result of the active participation of the three accused persons including the petitioner herein, the son of the informant was brutally murdered.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the co-accused Avnish Kumar having been said to be the sole assailant, the petitioner having remained in custody for 9 months and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Barauni P.S. Case no.473 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Partha Sarthy, J)

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