

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11173 of 2023**

Arising Out of PS. Case No.-103 Year-2022 Thana- KASHICHAK District- Nawada

KUNDAN KUMAR SON OF AWADHESH SINGH R/O DAULA CHAK,
P.S.- KASHICHAK, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 29-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kashichak P.S. Case No. 103 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code.

The petitioner is alleged to have inflicted gun shot
injury on the temporal region of the brother of the informant
and thereafter other accused persons have also fired upon
the victim causing him bullet injuries due to which he died.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the F.I.R. that there is general and omnibus allegation



against the petitioner and others that they have opened fire upon the victim. According to the F.I.R., the co-accused, Arun Singh, Awadhesh Singh, Purusatam Singh and Ajay Kumar and Kundan Singh have opened indiscriminate firing upon the informant and his brother and fled away. He further submits that the allegation leveled in the F.I.R. does not get support from the postmortem report. He further submits that the petitioner has been made accused in this case due to previous dispute between the parties and there is case and counter case between them. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.10.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and others that they have fired upon the victim. He further submits that prayer for bail of one of co-accused, Awadhash Singh @ Awadhesh Singh against whom allegation of firing is attributed likewise the petitioner, has been refused by this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 59443 of 2022, similarly co-accused, Umesh Singh has also



not been granted the bail by this Court vider order dated 28.04.2023 passed in Cr. Misc. No. 63203 of 2022. Apart from that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the rival submission of the parties and also the fact that the co-accused, against whom direct allegation of firing is attributed, has not been granted bail, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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