

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1071 of 2023

Arising Out of PS. Case No.-187 Year-2021 Thana- SALIMPUR District- Patna

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KUNDAN KUMAR SINGH @ KUNDAN KUMAR Son of Late Ram
Kumar Singh R/v- Naya Tola, Rupsi Mahaji, P.S.- Salimpur, District- Patna
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 1498 of 2023

Arising Out of PS. Case No.-187 Year-2021 Thana- SALIMPUR District- Patna

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JITESH KUMAR @ JITESH SINGH S/O Chandeshwar Singh @
Chandrashekhar Singh R/O village- Rupas Mahajee, P.S- Salimpur, District-
Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1071 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

Mr.Omnath Singh

Mr.Praveen Prakash

(In CRIMINAL MISCELLANEOUS No. 1498 of 2023)

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-07-2023 Both cases arise out of same police station case

number, and as such, both were taken up together and are being

disposed of by this common order.

Heard learned counsel for the parties.

The petitioners apprehend arrest in a case registered

for the offence under Sections 147, 148, 149, 341, 342, 323,



324, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the informant along with his son and nephew had gone to see crops and while they were coming back, heard sound of firing, wanted to escape by turning back but petitioners along with other co-accused persons caught hold him and his son, but his nephew succeeded to flee. It is further alleged that thereafter, petitioners along with other co-accused persons abused them and killed his son by fire-arm for not supporting his candidate.

It is submitted on behalf of petitioner(s) that informant is not eye-witness to the occurrence and entire F.I.R. has been lodged after disposal of the dead-body and after thought. It is further submitted that as per F.I.R., although three persons including petitioner of both cases are said to have fired at the son of the informant, but perusal of the post-mortem report goes to show that there is only one entry wound on the middle thigh and one fracture of left femur bone, so the post-mortem report is not in consonance with the prosecution version.

However, learned counsel for the State and informant vehemently opposed the bail petition and submitted that there is



specific and direct allegation of causing fire-arm injury against petitioner of both cases to the son of informant. The post-mortem report also shows that cause of death is fire-arm injury.

Considering the aforesaid facts and circumstances, both the aforesaid cases, filed for grant of anticipatory bail, are dismissed.

(Prabhat Kumar Singh, J)

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