

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81812 of 2023

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

1. Kundan Kumar Singh @ Kundan Kumar Son Of Late Ram Kumar Singh
R/O Village- Naya Tola, Rupas Mahaji, Jahangirpur, P.S.- Salimpur, Dist.-
Patna
2. Jitesh Kumar Son of Chandeshwar Singh R/O Village- Naya Tola, Rupas
Mahaji, Jahangirpur, P.S.- Salimpur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Arbind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with
Salimpur P.S. Case No. 187 of 2021 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.

3. As per prosecution case, while the informant along
with his son was returning from his field, in the meantime, the
FIR named accused persons including the petitioners
surrounded them and these petitioners and one co-accused
Chhotu Kumar put out their pistols and fired upon the son of the
informant due to which he sustained gunshot injury and died.



The alleged occurrence took place in the background of Panchayat election dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There was an dispute over Panchayat Election between the parties due to which the alleged occurrence took place and these petitioners have falsely been implicated in this case. From Annexure-2, similarly situated co-accused Jyoti Kumar @Chhotu Kumar was granted bail by this Court vide order dt. 4.4.2023 in which, it is mentioned that the postmortem report of the deceased is not in consonance with the prosecution as the allegation of firing against three accused persons including the petitioners whereas, the postmortem report shows only one entry wound on the middle thigh. It is further submitted that the petitioner nos 1 & 2 are languishing in judicial custody since 5.9.2023 & 25.8.2023 respectively.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be



released on bail in connection with Salimpur P.S. Case No. 187
of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand)
each with two sureties of the like amount each to the satisfaction
of learned Judicial Magistrate 1st Class, Barh.

(Sunil Kumar Panwar, J)

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