

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16885 of 2025

Arising Out of PS. Case No.-533 Year-2024 Thana- MOKAMAH District- Patna

Kunal Kumar S/o- Ajay Singh R/o- Shankarwar Tola, Malighat P.S- Mokama
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C.Verma, Adv
		Mr. Priyanka Singh, Adv
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP
For the Informant		Mr. Murari Narayan, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 25-07-2025 Heard Mr. Y. C. Verma, learned senior counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under sections 302/34 of the Indian Penal
Code and section 27 of the Arms Act.

3. The allegation made in the FIR is that on account of
land dispute one Ajay Singh, who is brother-in-law of the informant
along with his son Kunal Kumar (petitioner) were pressurizing the
informant for registering the land in their name. It has been further
alleged that on 29.11.2024 at around 7.35 p.m, when the informant's
uncle was coming back home along with her husband, the said Ajay
Singh was found sitting along with Kunal. While the uncle of the
informant had stopped on way, he heard the sound of firing and
when he turned back, he saw the deceased fallen on the ground and



also saw the present petitioner Kunal firing a shot on the deceased whereafter, the petitioner along with his father Ajay Singh fled away from the place of occurrence

4. Learned senior counsel for the petitioner submits that the land dispute has been admitted in the FIR and it is due to such reason that the petitioner and others have been implicated in the present case. The petitioner, happens to be the informant's sister's son. It is submitted that the informant herself is not an eye witness to the alleged occurrence and the contents of the FIR are based on the hearsay evidence provided by her uncle and the name of the petitioner appears in the said information given by her uncle. It has further been submitted that a letter was also written by the accused Ajay Singh to Dy. S.P Barh to investigate the case on the point that the petitioner was not at all present on the spot at the relevant time and rather he was present in the farm house. The CCTV camera installed at the farm house would confirm the same and the said pen-drive containing the footage of the CCTV along with the letter has been sent to the police authorities for investigation. However, it has been submitted that no investigation has been conducted on those lines.

5. The learned APP and learned counsel for the informant oppose the prayer for bail on the ground that allegation of firing is on this petitioner and hence, the petitioner does not deserve the privilege of anticipatory bail. It has also been submitted that the incident has



occurred at the public place in presence of large number of people and an Informatory Petition no. 738 of 2024 had been filed by the deceased earlier in this case on 04.09.2024 against the present petitioner Kunal and his father that they were threatening him.

6. Taking into consideration the rival contentions of the parties and also considering the fact that specific allegation of firing shot is upon this petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Mokama P.S.Case No. 533 of 2024 stands rejected

7. However, it goes without saying that the Investigating Agency has a duty to investigate all possible aspects of a case before concluding the investigation.

(Soni Shrivastava, J)

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