

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42494 of 2015

Arising Out of PS.Case No. -36 Year- 2010 Thana -BIKRAM District- PATNA

Kamlesh Kumar Sharma @ Kamlesh Singh son of Sri Chandradeo Singh,
resident of village- Sarwa Bhadsara, P.S.- Bikram, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Bikram P. S. Case No. 36 of 2010 registered under Sections 147,
148, 149, 448, 324, 326, 307 and 302 of the Indian Penal Code
and Section 27 of the Arms Act.

It is contended that 15 persons including the petitioner
were named in the FIR. On completion of investigation, the
petitioner was not sent up for trial. Several other accused persons
were charge-sheeted in the case. However, learned Magistrate
differed with the police report and took cognizance of the offence
against the petitioner also. It is further contended that even in the
FIR there is omnibus allegation against the petitioner.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail to the petitioner. He has submitted that though the accusation was found to be false as against the petitioner during investigation, the learned Judicial Magistrate has found a prima facie case against the petitioner.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur in Bikram P. S. Case No. 36 of 2010, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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