

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41142 of 2015

Arising Out of PS.Case No. -153 Year- 2014 Thana -DUMRAUN District- BUXAR

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1. Kamlesh Kumar Yadav @ Kamlesh Yadav son of Sidhnath Singh,
resident of village- Pidia Ke Dera, Police Station- Dumraon, District-
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Smt. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 302 and other sections of the Indian Penal Code.

The petitioner is not named in the FIR. The name of
the petitioner figured in the case in the statement of widow of
deceased in paragraph 61 of the case diary and in the statement of
informant, son of the deceased, after three and half months of the
occurrence. The informant did not name the petitioner in his fard
bayan as well as in is further statement. Even the mother of the
informant did not disclose the name of the petitioner in her earlier
statement made before the police.

It is submitted that even if the statements of the
informant and his mother are taken to its face value, there is no
allegation against the petitioner. Rajesh Singh, who was alleged to

have assaulted the father of the informant, has already been granted regular bail vide order passed in Cr. Misc. No. 34640 of 2015.

Considering the facts aforesaid and the nature of allegations made against the petitioner, of course his name figured in the case after three and half months of the occurrence but the wife and son of the deceased made allegation that the petitioner was also with Rajesh Singh, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly the same is rejected.

If the petitioner surrenders in the court below, i.e., learned Chief Judicial Magistrate, Buxar in Dumraon P.S. case No. 153 of 2014, and prays for regular bail, the court below shall consider the prayer for regular bail of the petitioner taking into consideration that Rajesh Singh, whose name also figured in the case after three and half months of the occurrence, has already been enlarged on bail and dispose of the bail petition, preferably, on the same date.

(Prabhat Kumar Jha, J)

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