

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21049 of 2016

Arising out of PS.Case No. -567 Year- 2015 Thana -KADAMKUAN District- PATNA

Kamlesh Kumar @ Bablu, Son of Saryug Prasad, resident of village/Mohalla- East Lohanipur Khadpar PS Kadamkuan, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate.

For the Opposite Party : Mr. R.B.Ray Raman(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 02-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.11.2015 in connection with Kadamkuan P.S. Case No. 567 of 2015 for the offences instituted under Section 302 of the IPC.

The prosecution story, in brief, is that the deceased Manoj Kumar used to pull rickshaw since eight years of Vishujee and used to sleep in the night below Rajendra Nagar Over bridge. It is further alleged that on 19.11.2015 at about 4.30 P.M., the petitioner assaulted the deceased. On 20.11.2015 at about 8.00 P.M. deceased asked why he assaulted him on 19.11.2015 without any reason. It is further alleged that the petitioner became angry and again put him down and assaulted him by means of fist and

kicks due to which he sustained injury and died.

A Viscera report had been called for. The same is received and opened in the Court. It has been stated in the Viscera report that No Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile Poison could be detected in the contents of glass.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.11.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. There is no direct or indirect evidence against the petitioner. There is no external or enternal injury on the body of the deceased to support the allegations made in the F.I.R.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna, in connection with Kadamkuan P.S. Case No. 567 of 2015.

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(Sudhir Singh, J)