

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12470 of 2016**

Arising Out of PS.Case No. -229 Year- 2014 Thana -BARH District- PATNA

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1. Kamlesh Singh Son of late Krishna Baldeo Singh Resident of Village Nadwan, Police Station Barh, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

8      11-07-2016                      Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302, 120 B and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, under the criminal conspiracy the petitioner and co-accused Vivekanand Singh got killed the husband of the informant with the help of other co-accused.

Submission is of false implication and that the petitioner without any fault is suffering in custody since 14.07.2014, in this case the informant has already been examined as P.W. 1 and she has turned hostile and has not supported the prosecution version, vide Annexure-3, and as such the petitioner

deserves sympathetic consideration. It is also submitted that at the time of occurrence the petitioner was in jail custody and due to enmity the petitioner has been implicated at the instance of his enemy.

The learned A.P.P. after going through Annexure-3 fairly submits that the informant has turned hostile during trial and has not supported the prosecution version.

In the facts and circumstances as stated above, now the petitioner is directed to 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 Additional Sessions Judge-IV, Barh, Patna in S. Tr. No. 106 of 2015 arising out of Barh P.S. Case No. 229 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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