

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16704 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -CHAURI District- BHOJPUR

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Kamlesh Yadav, Son of Ramashish Yadav, resident of Village- Sapahi
Bairaya, P.S.- Brahampur, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 20-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 01.12.2016
in connection with Chouri P.S. Case No. 46/16 for the offences
alleged under Sections 302, 201, 120-B/ 34 of the Indian Penal
Code, although charge-sheet has been submitted on 10.12.2016
against the petitioner under Sections 304, 34 of the I.P.C. along
with co-accused Ram Vinay Singh.

The prosecution case is that one Dharmendra Kumar,
aged about 15 years, son of the informant, was accompanied by
Ram Vinay Singh and his son Omkar Singh for job at JCB. In the
night, Ram Vinay Singh and his son and others named in the
F.I.R. under conspiracy pressed his son by the JCB in which he
died and threw the dead body in the ditch. On 21.05.2016, in the



morning, villagers saw the dead body of son of the informant in *Bahiar* and raised *hulla* then the informant and others reached there and saw that one tractor driver was fleeing with the tractor. The tractor driver was apprehended with the help of the villagers, who disclosed his name as Ram Vinay Singh.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case just because he was the driver of the JCB where the victim deceased boy was working. It is submitted that there is no eye-witness to the alleged occurrence and during course of investigation it has surfaced that there is no conspiracy to the murder of informant's son by the petitioner and that he has no criminal antecedent. It is further submitted that another co-accused Ram Vinay Singh has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 15093 of 2017 on 10.05.2017.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction



of the learned Addl. Chief Judicial Magistrate, 12th, Bhojpur at
Ara, in connection with Chouri P.S. Case No. 46/16, G.R. No.
2882/16.

(Nilu Agrawal, J)

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