

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65204 of 2018

Arising Out of PS.Case No. -35 Year- 2018 Thana -KANHAULI District- SITAMARHI

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Kamlesh Kumar @ Kamlesh Rai, S/o Upendra Rai, R/o Village-Dularpur,
P.S. Kanhauli, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 341, 323, 324, 307, 376, 511, 34 of the Indian
Penal Code.

The prosecution case, in brief, is that when the informant was
alone in her house, the accused persons entered the house with bad
intention, caught her and torn her blouse.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The
petitioner has been falsely implicated in the present case. There is
case and counter case between the parties. A free-fight is alleged
to have taken place. The injury on the side of the accused has not



been explained by the prosecution. The prosecution has not come with clean hands. The injury is said to be simple in nature. Hence, no offence u/S 307 of the Indian Penal Code is made out. The alleged date of occurrence is said to be 02-03-2018 and the FIR has been instituted on 08-03-2018. The delay in lodging the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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