

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17782 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- BADHAILA District- Rohtas

Kamlesh Yadav, S/o- Ramadhar Yadav @ Ramadhar Singh, R/o Village-
Chhabilapur, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy
For the Opposite Party/s : Mr. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-03-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Baghaila P.S. Case No. 66 of 2018

dated 31.08.2018 instituted for the offences under Sections

457, 380, 511, 34 of the Indian Penal Code and Section 27

of the Arms Act.

Two persons are said to have been apprehended by

the informant from the cattle-shed. One of the persons

managed to flee away. The aforesaid person is the petitioner

before this Court.

According to the F.I.R, one Pradeep Kumar Sah

was caught by the informant, who disclosed that the person

who fled away from the captivity of the informant was none



else but the petitioner. The petitioner is also alleged to have resorted to firing after going to some distance from the house of the informant.

The learned counsel for the petitioner has submitted that assuming every allegation in the F.I.R to be *ex-facie* true, the name of the petitioner has transpired only on the confession of the arrested accused person. Apart from this, it has been submitted that the informant knew the petitioner as well as Pradeep Kumar Sah, who was apprehended. In fact, it has been urged that one Rakesh Kumar, who is the brother of the arrested accused person viz. Pradeep Kumar Sah had lodged a case against one Satyendra Kumar Singh in which the petitioner was named as a witness. Because of the failure of the petitioner to depose against aforesaid Satyendra Kumar Singh, the petitioner has been made accused in this case.

In any view of the matter, the petitioner is not alleged to have done anything and his implication is only based on his identification by the arrested accused person.

Regard being had to the aforesaid facts as also the



clean antecedents of the petitioner, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Baghaila P.S. Case No. 66 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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