

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57292 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

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KAMLESH KUMAR @ KAMLESH YADAV S/o Shri Bhagwan Yadav R/o
village- Banahi, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Ara Rail Police Station Case No. 67 of 2018, disclosing offence under Sections 147, 148, 149, 307, 506 of the Indian Penal Code and Sections 27/25(1-B)A/26 of the Arms Act.

The allegation against the petitioner is that the petitioner fired upon the informant, but the bullet did not hit anybody.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch the police, after completion of investigation, submitted final report not sending the petitioner for trial, however the learned Court below, differing with the police report, has taken cognizance



against the petitioner also. He further submits that there is no specific allegation of assault against the petitioner and the alleged firing by the petitioner did not hit anybody and nobody was injured.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that police, after completion of investigation, submitted final report not sending the petitioner for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Kamlesh Kumar @ Kamlesh Yadav, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, Railway, at Arrah, Bhojpur, in connection with Ara Rail Police Station Case No. 67 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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