

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66818 of 2019**

Arising Out of PS. Case No.-652 Year-2018 Thana- HILSA District- Nalanda

KAMLESH KUMAR @ KAMLESH PRASAD Son of Raja Ram Prasad  
Resident of Village- Manipur, Fulbaria, Police Station- Hilsa, District-  
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      23-10-2019                      Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Hilsa P.S.Case no.652 of 2018 registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner and three other accused persons is that they have accosted the deceased and thereafter there is allegation allegation the petitioner and two other accused persons that they have fired causing death of the deceased.

Submission of the learned counsel for the petitioner is that three persons are said to have fired , postmortem report shows only two injuries on the person of the deceased and furthermore the petitioner has enmity with the informant as a case under Section 498(A) of the IPC is going on between them. Further submission is that the CCTV footage has also shown



two persons there and not shows the face of the petitioner there and further submission is that one co-accused has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 6.8.2019 passed in cr. Misc. No.33638 of 2019 .

Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the petitioner is said to be one of the assailants along with two other accused persons and the person who has been granted bail is not assailant, as such the petitioner does not deserve anticipatory bail..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

**(Vinod Kumar Sinha, J)**

chn/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

