

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13016 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- CHARPOKHARI District- Bhojpur

KAMLESH SINGH Son of Late Bhagwati Singh Resident of Village - Pathar,
P.S. - Charpokhari, District - Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-08-2021 Heard learned counsel for the petitioner and Mr.
Nazir Ansari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Charpokhari P.S. Case No. 114 of 2020 registered for the offences punishable under Sections 448, 504, 302 and 34 of the Indian Penal Code. He is in custody since 20.07.2020.

As per the prosecution story there had been some dispute between the prosecution side and the petitioner's family over transactions of money which were lent to the deceased on interest. The deceased was not returning the money citing his own problems and that led to the scuffle.

Learned counsel for the petitioner submits that as per

allegation the co-accused Ankit Kumar assaulted the father of the informant on his head with a rod due to which he fell down.

Learned counsel further submits that further allegation is that Kiran Devi sat on the chest of the father of the informant and Kamlesh Singh (this petitioner) pressed his neck. Father of the informant died.

Learned counsel further submits that in the post-mortem report although a sign of resistance on neck has been noticed but the lacerated wound at occipital area of the head of the deceased has been found fatal and the same is the cause of the death.

Learned counsel for the petitioner submits that the sign of resistance on neck may have occurred for various reasons in course of scuffle but that is not the cause of death of the father of the informant.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however, on going through the post-mortem report, learned A.P.P. submits that the injury on the head of the deceased is the cause of death.

Considering the facts and circumstances of the case, wherein the alleged injury on the head of the deceased is not attributed to this petitioner and the petitioner has remained in

jail for over one year, he has otherwise no criminal antecedent, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Ranjita Kumari, learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 114 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.