

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26357 of 2021

Arising Out of PS. Case No.-395 Year-2020 Thana- KAUWAKOL District- Nawada

Kamlesh Kumar S/O Late Jugal Yadav R/O Village-Chhabail, Police Station-
Kawakole, District-Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr. Rajendra Pd. Nat A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 29-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kawakole P.S. Case No. 395 of 2020, registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, the husband of the informant, after taking meal in the night, went at Tanki and after some time, the informant learnt that her husband has been killed by a sharp cutting weapon.

It is submitted on behalf of petitioner that petitioner has been made accused only on suspicion. Petitioner is not named in the FIR. Name and complicity of the petitioner has come during course of investigation on the ground that the dog-



squad entered in the house of the petitioner. Save and except suspicion, there is no substantive evidence against this petitioner. It is further submitted that signature of petitioner has been taken forcibly by the police on a plain paper and false confessional statement was prepared by police and for which, petitioner filed a complaint before the learned A.C.J.M.-IV, Nawada on 10.12.2020. Petitioner has got clean antecedent and he is in custody since 10.12.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 A.C.J.M. - IVth, Nawada in connection with Kawakole P.S. Case No. 395 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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