

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35662 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- BAKHTIYARPUR District- Patna

KAMLESH YADAV Son of Naresh Yadav Resident of Village - Madhopur,
P.S.- Bakhtiyarpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr. Chandra Sen Pd Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 326, 307 and some other minor Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, while the informant along with his brother was sitting at his door of the house, all the accused persons having armed with pistols came there. It is further alleged that the accused persons started firing and in the said firing, the brother of informant sustained fire arm injuries. This petitioner along with co-accused, Kaushal Yadav are alleged to have conspired from jail and got committed the offence.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has falsely been implicated in the case. The specific allegation of firing is against other accused persons and this petitioner is alleged to have conspired from jail but there is no material suggesting involvement of this petitioner in commission of such offence. Similarly situated accused Suraj Yadav, Karu Yadav and Suresh Yadav have already been granted bail by co-ordinate Benches of this court vide orders passed in Cr. Misc. No. 30853/2020 and in Cr. Misc. No. 37326/2020, respectively. It is stated in paragraph 3 of the bail petition that petitioner is accused in five other criminal cases but in all the cases he is on bail. Petitioner is in custody since 20.10.2020 and charge sheet has already been submitted in this case.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Additional Chief Judicial Magistrate-III, Barh in connection with Bakhtiyarpur PS case No. 94/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her 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)

BKS/-

U		T	
---	--	---	--

