

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30136 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- DHANSOI District- Buxar

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Kamelsh Singh @ Kamlesh Kumar, Son of Late Jawahar Singh, Resident of
Village and Police Station- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Dhansoi P.S. Case No.74 of 2020 registered for the offence punishable under Sections 448, 341, 323, 506, 380, 354B, 34, 427 of the Indian Penal Code.

The petitioner has allegedly entered the informant's house by climbing upon *Sheesham* tree and dragged her with mal-intention. There is allegation of beating and taking away her earring.

Petitioner's counsel submits that because the petitioner supported one Timil Singh (co-accused), who was contesting the election for Ward Member against the informant's family, he has been implicated in this case. There is no injury



report to support the alleged assault by the petitioner and there is no source of identification, since the allegation is that the occurrence took place in the dead of night. The petitioner has no criminal antecedents. Even the alleged earring has not been recovered from the petitioner.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Chief Judicial Magistrate, Buxar, District-Buxar, in connection with Dhansoi P.S. Case No.74 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will



also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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