

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40171 of 2020

Arising Out of PS. Case No.-117 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Kamlesh Singh, S/O Loha Singh, R/O Village - Maheshwara, P.S. - Naokothi,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma- Sr. Advocate
For the Opposite Party/s : Mr. Amitesh Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-06-2021 Heard Mr. Yogesh Chandra Verma, the learned Senior

Advocate for the petitioner and Mr. Amitesh Kumar, learned

APP for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Naokothi P. S. Case No.117 of 2020, instituted
for the offences under Sections 353 and 506/ 34 of the Indian
Penal Code and Section 25(IAA) and 26/ 35 of the Arms Act,
1959.

It has been submitted on behalf of the petitioner that
he has been falsely implicated in this case. According to the
prosecution case, the Officer-in-Charge of the concerned Police
Station learnt that the petitioner and others are preventing a
Junior Engineer of the Government in doing his work at a



particular site, namely, Maheshwara Baandh. On such information, the Officer-in-Charge with his police party is said to have arrived at the place of occurrence where he saw the petitioner and others trying to intimidate a government official from doing his work. With the help of villagers, an attempt was made to nab the accused persons. The petitioner is then said to have thrown a rifle at the police party and managed to run away.

Mr. Verma, learned Senior Advocate submits that there is a reason for falsely implicating the petitioner. He is a social worker, who has been raising voice against the inaction of the government and excesses of the police. Apart from this, it has been submitted that an accused person carrying a gun would not throw it at the police party for him to be framed in a case of Arms Act. Had the petitioner been carrying a weapon, all attempt would have been made by him to run away along with the weapon instead of throwing the weapon before the police party even when he was not about to be captured.

Apart from this, it has been submitted that the weapon in question does not belong to the petitioner.

The petitioner has clean antecedents.

Considering the afore-stated facts, the petitioner above-named, in the event of his arrest or surrender before the



learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Naokothi P. S. Case No.117 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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