

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7356 of 2022

Arising Out of PS. Case No.-347 Year-2020 Thana- BRAHMPUR District- Buxar

PAWAN KAMKAR Son of Birendra Kamkar @ Birendra Kumar Resident of
Village - Rathuan, Police Station - Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Sessions Trial No. 10/2021 arising out of Brahmpur P.S. Case
No. 347 of 2020 instituted for the offences punishable under
Sections 302 and 34 of the Indian Penal Code, 1860, later on the
police has submitted chargesheet under Section 304 of the
Indian Penal Code.

The prosecution case in brief is that the petitioner
alongwith other family members assaulted the father of the
informant by means of Lathi and iron-rod and in course of
treatment father of the informant died.



Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case alongwith other family members due to land dispute between the parties and on the date of occurrence during the construction of wall be erected after judgment of the court and there was no stone pelting from both sides. He further submitted that deceased died due to the injury received during the fight between the parties. There is case and counter case in as much as Brahmpur P.S. Case No. 346 of 2020 has filed by Birendra Kumar, who is one of the accused in the present case.

The learned counsel for the petitioner submits that from perusal of the post-mortem report it would be evident that no external injury over the body of the deceased.

He further submits that the allegation against the petitioner is general and omnibus in nature and no specific allegation has been levelled against the petitioner.

He further submits that the chrgesheet has been filed under Section 304/34 of the Indian Penal Code and the petitioner is in custody since 25.01.2021 and it is further stated that one similarly situated accused person has been granted bail by Co-ordinate Bench of this Hon'ble Court in Criminal Miscellaneous No. 2670 of 2021 vide order dated 08.12.2021



(Annexure-2).

The learned Additional Public Prosecutor vehemently opposes the prayer for bail of the petitioner.

In the aforesaid facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Buxar in connection with Sessions Trial No. 10/2021 arising out of Brahmpur P.S. Case No. 347 of 2020.

(Khatim Reza, J)

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