

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39018 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BALIYA District- Begusarai

KAMLESH KUMAR S/o Bishnudevo Yadav @ Bishundeo Yadav @ Ram
Kishun Yadav R/o- Village - Sihma, P.S. - Matihani, Dist. - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 30-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 302, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R., six F.I.R. named accused persons including this petitioner, riding on two motorcycles, came at the house of informant and surrounded the brother of informant (deceased). It is alleged that this petitioner fired upon the deceased, which hit on the head of deceased.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case simply because he is brother-in-law of co-accused Dilip Yadav. Though, there is allegation that this petitioner fired, which hit the head of the deceased, but doctor has not found any fire-arm injury on the head of deceased.



However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific and direct allegation against this petitioner that he also fired upon the deceased, as a result of which deceased sustained ten fire-arm injury. *Post-mortem* report also reveals that deceased died due to fire-arm injury. Petitioner is one of the assailant of the deceased.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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