

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45645 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- PATORI District- Samastipur

Kamlesh Singh Son Of Jaidayal Singh Resident Of Village - Rajpur Jaunapur,
P.S.- Patori, Dist.- Samastipur.(Bihar).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Patori P.S. Case No. 118 of 2021 registered for the offence punishable under Sections 147, 148, 342, 323, 325, 354(b), 365, 504, 506 of the Indian Penal Code and Sections 25(1-b)a/26, 35 of the Arms Act. He is in custody since 22.04.2021 and has one criminal antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per the prosecution story, while the husband of the informant was on way to his house, he was lifted by the accused persons namely Kamlesh Singh (this petitioner), Shekhar Singh, Vinod Singh,



Ramesh Singh, Babita Devi and Suman Kumari and took him to their house and tied him with the rope and assaulted him by means of lathi, danda, bricks and stones. When the daughters of the informant came to know about the said incident, they reached at the place of occurrence and tried to rescue their father then all the accused persons threatened them and co-accused Shekhar Singh confined one of the daughters of the informant in the room and he tried to misbehave with her and on protest he assaulted her. On arrival of police, all the accused persons fled away and the police recovered the pistol which was thrown by this petitioner in front of the house.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the pistol was not recovered from possession of the petitioner. It is submitted that there are general and omnibus kind of allegations. The petitioner is in custody since 22.04.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the country-made pistol has been recovered from a field and not from the possession of the petitioner and seizure list witnesses are the two constables, he has been falsely implicated in this case, no untoward occurrence has taken place, the petitioner has remained in custody



in connection with this case since 22.04.2021, he has one criminal antecedent and he is on bail in the said case, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with Patori P.S. Case No. 118 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

