

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51769 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- NALANDA District- Nalanda

Kamlesh Prasad S/o Late Ramadhin Prasad R/o village- Dularua Bigha, P.S.-
Silao, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and Shri
Nand Kishore Prasad, learned A.P.P. for the State through virtual
Court proceedings.

The petitioner seeks bail in connection with Nalanda
P.S. Case No. 95 of 2021 instituted for the offences under
Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.07.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that when he was going to Silao by tractor on
13.06.2021, he was intercepted by petitioner and named accused
persons near *bhattha* of Video Singh and was asked to come



down from the tractor, further on orders of the petitioner, Chandan assaulted the informant by brick causing injury on head and thereafter three named accused persons excluding the petitioner also assaulted the informant leading to injury, accordingly the informant was referred to RIMS from Sadar Hospital, Bihar Sharif for better treatment.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that specific allegation of assault is against four named accused persons and as far as this petitioner is concerned, he is alleged to be an order giver. Learned counsel further submits that petitioner has been falsely implicated in the present case without alleging that he also participated in the assault and by merely stating that he was an order giver.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.07.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent, is alleged to be the order giver and had not assaulted the informant, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Nalanda at Bihar Sharif in connection with
Nalanda P.S. Case No. 95 of 2021.

(Satyavrat Verma, J)

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