

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53475 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- KINJAR District- Jehanabad

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1. KAMLESH KUMAR S/o SURYADAYAL YADAV R/o VILLAGE-BAJIPUR, P.S-KINJAR, DISTRICT-ARWAL.
 2. RAJ KUMAR @ DAHINAWA S/o RAM BHAWAN YADAV R/o VILLAGE-GULJAR BIGHA, P.S-KARPI, DISTRICT-ARWAL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioners seek regular bail in connection with Kinjer P.S. Case No. 44/2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447,



504, 506, 325 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding 15 named accused persons including the petitioners herein having arrived at the house of the informant, whereafter they are alleged to have engaged in indiscriminate firing causing injury on the leg of the sister-in-law of the informant. It is also alleged that the accused persons had assaulted the members of the prosecution party by rods, sticks etc., thereafter the police had arrived there and the accused persons had fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is submitted that as far as the petitioner no. 1 is concerned, he is languishing in custody since 5.3.2021 and he is an accused in one other criminal case but he is on bail in the said case. It is further submitted that as far as the petitioner no. 2 is concerned, he is languishing in custody since 16.3.2021 and he is having a clean



antecedent. The learned counsel for the petitioner has next submitted that a general and omnibus allegation has been levelled against the petitioners and there is no allegation of them having indulged in any sort of overt act. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 30.4.2021 passed in Criminal Miscellaneous No. 8735 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail by a Coordinate Bench of this Court, apart from the fact that the petitioners are languishing in custody since a long time, I deem



it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, District-Arwal in connection with Kinjer P.S. Case No. 44/2020.

(Mohit Kumar Shah, J)

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