

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48186 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- PARWALPUR District- Nalanda

Kaushlendra Singh S/o Late Rambahadur Singh R/o village- Alawan, P.S.-
Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Parwalpur P.S. Case No. 52 of 2022 registered for the offence
under Sections 147, 148, 149, 302 and 120(B) of the Indian
Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2022.

The allegation against the petitioner is to commit
murder of relative/family members of the informant, alongwith
other co-accused persons by causing fire arm injuries due to
previous enmities arises out of local disputes and differences.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case only being the father of main co-accused Divesh Kumar, who allegedly fired upon one Pushpa Devi causing her death. It is also submitted that allegation of causing fatal fire arm injuries is available against co-accused Divesh Kumar Sharma, son of late Karu Sharma and Nagendra Sharma@Gonu Singh, where maximum allegation as surfaced against this petitioner, as per the face of F.I.R., is to form unlawful assembly alongwith co-accused Pankaj Singh. It is submitted that said co-accused Pankaj Singh has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 51642 of 2022 vide order dated 09.12.2022, having similar allegation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is limited to form unlawful assembly, whereas allegation, as regard to fatal assault, is available against co-accused Divesh Kumar Sharma son of



late Karu Sharma, Nagendra Sharma@Gonu Singh and son of this petitioner, namely, Divesh Kumar coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parwalpur P.S. Case No. 52 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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