

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.461 of 2023**

Arising Out of PS. Case No.-141 Year-2021 Thana- IMADPUR District- Bhojpur

KAMLESH KUMAR @ KAMLESH YADAV Son of Umesh Yadav R/V-  
Rajpur P.S- Imadpur, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dadan Paswan Son of Debedar Paswan R/V- Bihta, PS- Imadpur Dist- Bhojpur

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Dharmesh Kumar Shrivastava  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      13-07-2023                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 29.11.2022 passed by learned Additional Sessions Judge 1<sup>st</sup> Bhojpur at Ara whereby the prayer for bail of the appellant in connection with Imadpur P.S. Case no. 141 of 2021 under Sections 341, 307, 324, 326, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, informant alongwith his co-villager Chhotelal Pawan had gone to take tea at Bihta Bus Stand in the meanwhile, several accused persons encircled him



with an intention to kill. Co-accused Lal Bihari Yadav opened fire which hit his neck.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Specific allegation of opening fire is against Lal Bihari Yadav. General and omnibus allegation has been levelled against this appellant. As per injury report, in para 89 of the case diary, only one bullet injury was found. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 14.07.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 29.11.2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Imadpur PS Case No. 141 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned Additional Sessions Judge 1<sup>st</sup> Bhojpur at Ara.

**(Sunil Kumar Panwar, J)**

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