

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15581 of 2023

Arising Out of PS. Case No.-446 Year-2020 Thana- DUMRAO District- Buxar

KAMLESH YADAV S/O LATE KAPILDEO YADAV @ KAPIL DEV
SINGH R/v- Pratapsagar, P.S.- Dumraon (Naya Bhojpur O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Manendra Kumar Sinha, Adv. Mr. Navneet Kumar, Adv. Mr. Anirudh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard Mr. N.K.Agrawal, learned Senior counsel for
the petitioner, learned counsel for the informant and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.12.2022 in connection with Dumraon (Naya Bhojpur O.P.)
P.S. Case No. 446 of 2020, F.I.R. dated 08.12.2020 for the
offences punishable under Sections 147, 148, 149, 341, 323, 302
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

According to prosecution case, all the accused persons
including the petitioner have fired upon the father of the
informant due to previous enmity.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Prior to the alleged occurrence, the father of the informant as well as family members of the informant were found to be guilty under Section 302 of the Indian Penal Code and other allied sections of the Indian Penal Code and on that ground, the petitioner has been implicated in these false and fabricated cases. He further submits that during investigation in paragraph no.166 to 170 of the case diary, the police has submitted the final form against others and in favour of the petitioner. He further submits that vide order dated 03.06.2021, the learned Court below has taken cognizance against the petitioner. Thereafter, the petitioner has filed Cr. Misc. Revision No. 57 of 2021 against the order dated 03.06.2021 which was dismissed vide order dated 14.06.2022 by the learned Additional Sessions Judge III, Buxar. He further submits that co-accused, namely, Birbal Yadav has been granted bail by this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 10341 of 2023, other co-accused, namely, Manish Yadav has been granted bail by the Co-ordinate Bench of this Court vide order dated 27.06.2023 passed in Cr. Misc. No.15230 of 2023 and other co-accused namely Suraj Yadav has been



granted bail vide order dated 05.04.2023 passed in Cr. Misc. No.4134 of 2023. The petitioner is in custody since 20.12.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has fired upon the father of the informant.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 446 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. 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 step 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.

(Rajesh Kumar Verma, J)

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