

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33144 of 2023

Arising Out of PS. Case No.-755 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Kamata Singh @ Kamata Singh Yadav @ Kamta Singh, S/o Late Rambilash
Yadav, R/o village-Pipardih, P.S.-Aurangabad (T), District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The accused/petitioner seeks bail in connection
with Aurangabad Town P.S. Case No.755 of 2022 registered for
the offences punishable under Sections 341, 323, 325, 307, 379,
504, 506 read with 34 of the Indian Penal Code and Section 27
of the Arms Act.

The accused/petitioner named in the FIR and is in
custody since 10.03.2023.

Allegation against petitioner is to fire upon
informant/injured along with other co-accused persons causing
firearm injuries on his left hand, having intention to cause death,
where occurrence is arises out of previous enmities.



It is submitted by learned counsel appearing for the petitioner that the occurrence took place out of previous enmities arises due to local panchayati election. It is submitted that alleged firing was non-intentional and caused injury on non-vital part of the body. It is submitted that the allegation of firing is also not repeated despite of all opportunities in hand, which suggest that petitioner was not under intention to cause death of informant/injured. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence.

The learned APP duly assisted by Mr. Mithilesh Kumar, learned counsel for the informant while opposing the prayer for bail has submitted that the allegation of firing is specific against this petitioner.

In view of above-mentioned facts and circumstances and by taking note of nature of accusation, coupled with the fact that the charge-sheet has been submitted, where petitioner is in custody since 10.03.2023, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No.755 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC with further conditions:-

- (i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents;
- (ii) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner; and
- (iii) That the petitioner shall not directly or indirectly make any threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or tamper with the evidence.

(Chandra Shekhar Jha, J.)

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