

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31522 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KALYANPUR District- Samastipur

1. KAMLESH KUMAR S/o Ram Udgar Mahto R/o village- Somnaha Tole Chaksima, P.S.- Chakmehsi, District- Samastipur
2. VIKASH KUMAR S/O CHANDRA KANT PRASAD @ CHUNNU R/o village- Somnaha Tole Chaksima, P.S.- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-02-2023 Heard the parties.

Learned counsel for the petitioners seek permission to withdraw this application as against the petitioner no.1, as he has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, this application as against the petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.2 only.

The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No.55 of 2022, registered for the offence



punishable under sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and 27 of Arms Act.

The allegation against the petitioner is that he alongwith other co-accused persons surrounded the informant and petitioner opened fire upon the informant while he was in position to sit in his car and the other co-accused persons continued to assault him.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He further submits that the specific allegation is against the petitioner no.1 but he has already been apprehended by the police. Petitioner no.2 has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the petitioner no.2 is also involved in the present case and there is ample evidence against him in the case diary. He further submits that the post mortem report of the deceased has also supported the prosecution case.

Having regard to the facts and circumstances of the case,



I am not inclined to enlarge the petitioner no.2 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

(Anjani Kumar Sharan, J)

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