

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32605 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- HUSSAINGANJ District- Siwan

KAMLESH YADAV SON OF TAPAN YADAV RESIDENT OF VILLAGE-
BAGHAUNI, P.S.- HUSSAINGANJ, DISTRICT- SIWAN, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Hussainganj P.S. Case No. 91 of
2022 for the offence registered under Sections
302, 201 and 120B of the Indian Penal Code and
Section 27 of the Arms Act.

The case of the prosecution, in brief, is
that on 30.03.2022 at about 11:00 P.M. in the
night, the brother of the informant, namely,
Vishwakarma Bin and one Amarjeet Bin had gone
with their friends including the petitioner herein for
taking meal, whereafter one Mumtaz Alam had
taken the said two persons to a separate place. It



is alleged that on 30.03.2022, the informant came to know that his brother Vishwakarma Bin and the said Amarjeet Bin have been killed on account of being implicated with gun shots injuries. Though the informant has named some accused persons along with other unknown persons to have killed his brother, by using fire arms, however, the petitioner has not been named in the F.I.R.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 10.04.2022. It is further submitted that though the petitioner is an accused in two other cases, but he has been remanded in the said two cases only after he was implicated in the present case. It is further submitted that there is no eye witness to the alleged occurrence, hence the petitioner has got no complicity in the alleged occurrence. It is also submitted that the petitioner has been roped in the present case merely on suspicion inasmuch as he being the driver of the deceased Vishwakarma Bin,



had not given any information to the informant or his family members regarding the whereabouts of the said Vishwakarma Bin, nonetheless, it is submitted that the prosecution has not levelled any allegation regarding the petitioner having engaged in any sort of overt act.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged occurrence and, moreover, there is no eye witness to the alleged occurrence, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned ACJM-IX, Siwan in connection with
Hussainganj P.S. Case No. 91 of 2022.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

