

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34516 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJEPUR District- East Champaran

KAMLESH KUMAR @ KAMLESH PRASAD Son of Sri Ramdeo Bhagat
Resident of Village - Kashi Pakri, P.S.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-01-2023 Heard Ms. Vaishnavi Singh, learned counsel for the
petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection
with Rajepur P.S. Case No. 127 of 2021 instituted under
Sections 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution story, when the informant
along with his father was going to Muzaffarpur, they were
intercepted by some named accused persons as also 10-15
unknown accused persons and thereafter allegation is that his
father was assaulted. The informant somehow saved his life and
alerted the locals and after ‘panchayati’ subsequently took his
father home. Later, he was taken to Muzaffarpur for better
treatment but he died. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that 9-10



named accused persons are there. So far as this petitioner is concerned, his name has come in 10-15 unknown persons and omnibus allegation of assault is/are there. Further, the petitioner died in course of treatment and since already nine named accused have been alleged to have beaten the informant's father, this petitioner who does not have any role to play further do not have criminal antecedent, he deserves relief.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it is a case under Section 302 of the IPC in which name of the petitioner has also come in course of investigation.

Taking into account the fact that there is omnibus allegation against nine named accused persons and petitioner is amongst 10-15 unknown persons, he do not have criminal antecedent and will be cooperating with the police in investigation and further will be diligent in attending the trial, this Court is inclined to grant him relief subject to conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Rajepur P.S.



Case No. 127 of 2021 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as also with the condition that the petitioner shall be visiting the concerned police station for next six months every month to mark his attendance.

(Rajiv Roy, J)

Ravi/ Ajay
Singh/-

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

