

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35447 of 2023

Arising Out of PS. Case No.-632 Year-2021 Thana- SAKRA District- Muzaffarpur

KAMLESH KUMAR S/O LATE UPOENDRA MAHTO R/O Village-
Ladaura Chowk, P.S.-Kalyanpur, Dist.-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Sakra P.S. Case No.632 of 2021 registered for the offence under Sections 394 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 07.03.2022.

The allegation against the petitioner is to commit robbery along with other co-accused persons in Customer Service Centre (CSC) run by son of the informant, where, during course of occurrence, entire cash of CSC was looted and son of the informant was shot dead by miscreants.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in FIR and his name surfaced on the basis of self confession, while apprehended in Sakra P.S. Case No. 634 of 2021. It is submitted that save and except his self confession, no incriminating materials recovered/surfaced against this petitioner, during course of investigation, as to connect him, *prima facie*, with present occurrence of robbery and murder. It is submitted that as petitioner found involved in 05 more criminal cases, on the basis of suspicion out of said criminal antecedents and self confession, he was named in present case also without any cogent materials. It is also submitted that petitioner has not put on TIP, as yet. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except self confession and suspicion, no incriminating materials appears against this petitioner, *prima facie*, to connect with present occurrence of robbery and murder coupled with the fact that charge-sheet has already submitted,



where, petitioner is in custody since 07.03.2022, let the petitioner, above named, is directed to be released on bail in connection with Sakra P.S. Case No.632 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 18th Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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