

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52105 of 2023**

Arising Out of PS. Case No.-461 Year-2022 Thana- WARISLIGANJ District- Nawada

KAMLESH YADAV @ KAMLESH KUMAR SON OF BANARAS YADAV
VILLAGE MALUKA BIGHA PS WARISALIGANJ DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 31-08-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 342, 323, 337, 338, 307 and 353 of the Indian Penal Code.

3. The allegation against the petitioner is that under his leadership the business of illegal excavation of mining and storing was running. Other allegations have also been made.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the petitioner is running his transport business and most of the trucks of the petitioner are engaged in transportation of stone chips from Koderma to different areas of Nawada district but due to non-



fulfillment of demand of graft made by the police, this false and fabricated case has been lodged against him. It is further submitted that on several occasions heavy penalty was imposed upon the petitioner for overloading and petitioner has deposited the same. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has seven criminal antecedents as mentioned in para-3 of this application but, out of seven, six are of similar nature of the offence.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Warisaliganj P.S. Case No. 461 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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