

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55861 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

Kamlesh Prasad Son of Jatu Yadav @ Jatu Singh Resident Of Village -
Gajipur Pokhar, P.S.- Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 25-04-2023 Heard Mr. Jagdish Prasad Singh, learned

Counsel appearing on behalf of the petitioner and Mr.

Madan Kumar, learned A.P.P. appearing on behalf of the

State.

2. The petitioner seeks pre-arrest bail in
connection with Makhdumpur P.S. case No. 125 of 2020
registered under Sections 341, 323, 325, 307, 379, 504,
506 of the Indian Penal Code and Section 27 of Arms
Act.

3. The prosecution story, in brief, is that while
informant was at his home, the petitioner along with
other co-accused persons assaulted the informant, who



sustained injury.

4. Learned Counsel appearing on behalf of the petitioner submitted that both parties fiercely fought in which the petitioner in his self defense without any intention may have caused injury to the informant. The petitioner was already granted benefit of Section 41(1) of the Code of Criminal Procedure. However, in course of time during the pendency of the case, the charge-sheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer to grant of bail of the petitioner.

6. Considering the nature of allegation made in the F.I.R. as well as the facts that the parties had engaged in the fierce fight. The injury is simple in nature which had not been caused intentionally.

7. I am of the opinion that the petitioner, prima facie, has made out a case to be released on anticipatory bail. .

8. Court below is directed to release the



petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-IVth, Jehanabad, District-Jehanabad in connection with Makhdumpur Case No. 125 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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