

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58664 of 2022

Arising Out of PS. Case No.-71 Year-2019 Thana- BIDUPUR District- Vaishali

1. KAMLESH KUMAR @ KAMLESH SINGH @ KIMLESH KUMAR Son of Baleshwar Singh R/V- Mathura, P.S- Bidupur, Dist- Vaishali
2. Radhe Singh Son of Late Jageshwar Singh R/V- Mathura, P.S- Bidupur, Dist- Vaishali
3. Akhilesh Kumar Singh Son of Ramjanm Singh R/V- Mathura, P.S- Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choubey Jawahar, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 326, 307, 379, 504, 506/34 of the Indian Penal Code and 27 of Arms Act..

Allegedly, petitioners along with other co-accused persons abused and assaulted the informant and his family members. They also snatched money and golden watch of informant and his nephew.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have not committed any offence. They have been falsely implicated in this case at the instance of their enemies. No such occurrence as alleged ever took place. It is further submitted that there is general and omnibus allegations against the petitioners. It is crystal clear from the perusal of FIR that the specific allegation of firing against the two accused persons namely Pappu Mahto and Mannu Mahto. The allegation against petitioner no.1 is that he snatched money from pocket of informant is ornamental and nothing has been recovered from his possession and the allegation against petitioner no.2 of snatching golden chain from neck of nephew of informant is also said to be ornamental. Similarly situated co-accused, namely, Kapil Mahto has been enlarged on bail by a co-ordinate bench of this court vide order dated 23.07.2019 passed in Cr. Misc. No. 45157 of 2019. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their 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) each 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 Bidupur P.S. Case No. 71 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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