

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58406 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- KAMTAUL District- Darbhanga

Kailash Roy @ Kailash Kumar Roy Son Of Mr. Nand Nihora Roy R/O
Village- Khajurwara, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 324, 325, 307, 379, 504, 506 and section later on added 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, while the informant along with his wife was returning home from Kamtaul Bazar then eight named accused persons including the petitioner and 10-11 unknown persons stopped his motorcycle and took him to the disputed land on orders of one Nand Nihora Rai, accused persons armed with weapon in their hand, assaulted to the informant on his limbs with an intention to kill and thinking the



informant to be dead, threw him in the wheat field. When his wife came to save him, the accused threatened her and snatched Rs. 2,00,000/- including her gold jewellery. It is further alleged that nearby villagers came and they brought the informant to the hospital and during course of treatment, the informant died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. A title suit no. 180 of 2020 was going on between brother of the petitioner and wife of the informant and some alteration took place between them due to which the petitioner has falsely been implicated in this case. As per injury report, it is evident that the injuries have been caused by hard and blunt substance and the deceased was a criminal and was involved in large number of cases. It is further submitted that the informant was trying to oust the possession of accused side of six bighas of land situated over old Khata No. 77, old Khesra No. 926 and was threatening for which Nand Nihora Rai had filed an application before officer-in-Charge of Kamtaul as well as to other higher police officials including I.G. Darbhanga Range. Moreover, similarly situated co-accused namely Kamlesh Roy has already been granted bail by a different co-ordinate bench of this court vide order dated 29.1.2022 in Cr. Misc. No. 49674 of 2021 and the



same has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 30.6.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kamtaul P.S. Case No. 40 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga.

(Sunil Kumar Panwar, J)

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