

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65565 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Kamlesh Kumar @ Kamlesh Rai, Son Of Parma Yadav @ Parmanand Rai,
Resident Of - Jaganpura, P.S.- Ramkrishna Nagar, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 325, 307, 379, 384, 506 and 34 of the Indian
Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case, but the said case was
also filed by the son of the present informant. It is next
submitted that the informant alleges that her mother in-law had
gifted 1.5 kattha of land in favour of Sunita Devi. It is next
alleged that on the land, he runs a small shop. Further, till her
mother in-law was alive, there were no issue, but after her death
in 2006, the accused persons started making endeavours to



capture the land. Accordingly, on 17.10.2021, the accused persons came and on orders of Parmanand Rai, the petitioner assaulted him twice by bamboo causing injury on head and he fell. Thereafter, all the accused persons assaulted him by leg and fists and Golu took out Rs.2,000/- from his pocket. On alarm, when people gathered, the accused fled demanding extortion of Rs.10 Lacs. Thereafter, he was taken to hospital where doctor found fracture of bone of head. Accordingly, a complaint was given to the police, but the same was not acted upon. Thereafter, complaint was filed on 25.10.2021, based on which, the present F.I.R. was instituted.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that informant is own uncle (Fufa) of the petitioner. It is next submitted that the relationship stands concealed. It is further submitted that the informant was running a *khatal*, which was being objected by the local people and he was repeatedly being requested to vacate the land, but the informant was adamant not to remove the *khatal*, which became a bone of contention between the informant and the local people. It is further submitted that the date of occurrence is 17.10.2021 and the informant alleges that he was brought to



hospital, but then, neither the doctor informed the police nor the police came to record his fard-bayan, which amply demonstrates that either there was no injury or the injury suffered by the informant was of such nature or the nature of the injury was such that the doctor did not find it necessary to inform the police. It is further submitted that the informant deliberately on 25.10.2021 instituted a complaint, so that the allegations as alleged are not investigated promptly by the police, but has taken a bald plea that he had gone to the police station, but then, his complaint was not acted upon. It is next submitted that police during the course of investigation did not find any record of treatment of the informant at P.M.C.H. and accordingly, he was noticed under Section 91 Cr.P.C., but then also, no documents relating to his treatment was produced.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in



connection with Ramkrishna Nagar P. S. Case No.53 of 2022,
subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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