

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70509 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- BHORE District- Gopalganj

Kamlesh Yadav Son Of Shio Yadav R/O Village- Bistrampur, P.S.- Bhore,
District- Gopalganj, Bihar (Address As Per Fir), Permanent Address Village-
Babu Sirisiya, P.S.- Srirampur, District- Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha Ms. Kumari Shalini
For the Opposite Party/s	:	Mr.Dr. Indivar Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 353, 307 and 34 of the Indian Penal Code and Sections 25(1-B)AA, 26, 35 and 27 of the Arms Act.

3. The prosecution case in brief is that the petitioner along with his associates opened firing on police force when the police force ordered the petitioner and his associates to surrender. Taking the benefit of dense bushes the petitioner along with another accused person managed to escape but one of the accused namely, Lal Bachan Sahni was apprehended by



the police who disclosed the name of petitioner and co-accused Pankaj Kumar Chaurasia as fled away persons and from his possession prohibited pistol and two live cartridges were recovered along with five empty cartridges.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to village politics. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. He has no concern with alleged arms which were seized by the police or with the accused persons. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 15.06.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bhore P.S. Case No. 129 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj.

(Sunil Kumar Panwar, J)

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