

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.876 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- PALIGANJ District- Patna

KAMLESH KUMAR @ KAMLESH YADAV @ TAIGAR Son of Lalmohan
Yadav R/V- Salempur P.S- Kinjar Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anil Kumar Choudhary, Advocate
For the Opposite Party/s :	Mr. Ram Sevak Choudhary, A.P.P.
For the Informant :	Mr. K.K. Sinha, Advocate
	Mr. Shashi Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 06.06.2022 and is a person with clean antecedent.

The informant alleges that his elder brother was killed by two unknown criminals by firing.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot and the FIR was against unknown. The name of the petitioner along with Vikash Kumar and Kunnu Yadav @ Anil Yadav @ Anil Kumar transpired in the statement of one Pinki Kumari recorded by the police under Section 161 Cr.P.C. Learned counsel further submits that Pinki Kumari is



wife of Kunnu Yadav and she disclosed before the police that Kunnu Yadav, Vikash Kumar along with the petitioner about one and half month back had said that they will kill the deceased. It is next submitted that Kunnu Yadav has been granted regular bail by order dated 15.02.2023 in Cr. Misc. No. 57629 of 2022 and Vikash Kumar has been granted regular bail by order dated 19.04.2023 in Cr. Misc. No. 10070 of 2022. Learned counsel, thus, seeks parity.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for regular bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that Kunnu Yadav and Vikash Kumar whose name also transpired in the confessional statement of Pinki Kumari have been granted regular bail.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Paliganj P.S. Case No. 134 of 2022.

(Satyavrat Verma, J)

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