

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45296 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- KANKARBAG District- Patna

Kamal Kumar @ Kamal Kumar Singh @ Komal Kumar S/o Late Nirmal Kumar Singh Resident of Village-Mahaddichak ,P.O.- Madhopur, P.S.- Bihta,District -Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 420, 504, 120B and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 11 of the Public Gambling Act, 1867.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 29-3-2024 while he along with the police personnel was on patrolling duty, when at about 2:30 A.M he received an information that Manish and his associates had gathered near Sai Hospital and were betting on IPL Cricket Match, and also resorted to firing, accordingly, the informant reached the place of occurrence when he saw 10-15 accused persons scuffling and one person fired but on seeing the police,



the accused persons fled but Rohit was apprehended who disclosed the name of the petitioner, further on search mobile phone of Apple was recovered from possession of Rohit along with an empty cartridge on which OK-7 was written along with a Scorpio vehicle and a Bullet motorcycle.

4. It is next submitted that petitioner has been falsely implicated in the instant case based on confessional statement of Rohit in police custody which does not have any evidentiary value. It is next submitted, at the cost of repetition, that petitioner is a person with clean antecedent and it is not the case of the prosecution that petitioner had indulged in firing. It is also submitted that no one was injured in firing also but to give seriousness to the case said allegation has been levelled. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kankarbagh P.S. Case No. 224 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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