

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71557 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Kamlesh Bhagat Son of Ramdayal Bhagat @ Suraj Bhagat R/O Vill.-
Madhopur, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M.Vaishnavi Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-12-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120B and 34 of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case in which he is on bail.
It is next submitted that the informant alleges that his son
(deceased) works at Arunachal Pradesh and on 05.05.2024, he
had come home and used to roam around with Kamlesh, further
on 12.05.2024 at 11.00A.M., Kamlesh took his son on a
motorcycle for roaming around, but at 1.30 P.M., the Chaukidar
informed that his son has been shot at the High School and has
been taken to the hospital, accordingly the informant reached



the hospital where his son was declared dead by the doctor. It is next alleged that Vicky, petitioner and Abhishek always stay with Kamlesh, thus alleges that based on suspicion, the accused were involved in killing of his son.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case based on suspicion. It is next submitted from perusal of allegation as alleged in the FIR, it would manifest that neither the Chaukidar nor the informant is an eye witness to the occurrence and the entire occurrence hinges around suspicion. It is next submitted that even the FIR discloses that the deceased and the petitioner were good friends and used to roam around, but then based on suspicion, the petitioner came to be implicated. It is next submitted that Rohit was arrested, who confessed that he along with Niraj and Sudhanshu fired at the deceased, thereafter, Sudhanshu was also arrested, who also confessed that he along with Niraj killed the deceased; and Rohit was involved in the occurrence. It is further submitted that Rohit and Sudhanshu have not taken the name of the petitioner as assailant of the deceased rather have stated that they got the deceased called through Kamlesh and when he left, the occurrence was committed. It is further submitted that even petitioner was not



aware that any occurrence of the sort as confessed would be committed by the accused persons. It is also submitted that petitioner is in custody since 14-5-2024.

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

6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named 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 the learned trial court where the case is pending/successor court in connection with Sahebganj P. S. Case No.243 of 2024.

7. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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