

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76707 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- MASAUDHI District- Patna

Kamlesh Kumar @ Kamlesh Kumar Singh Son of Satyendra Narayan Singh
Resident of Mohalla- Dariyapur, PS- Masaurhi, Distrcit - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Masaurhi P.S. Case No. 116 of 2023, registered on 22.02.2023 for the offences under Sections 147, 149, 341, 323, 307, 504, 379, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons armed with iron rod and bat entered into the house of the informant and started hurling abuses. When the informant forbade them, at the saying of the petitioner, co-accused Priyanshu Kumar assaulted the informant with iron rod on his head causing head injury. Co-accused Saurav Kumar hit the mother of the informant with iron rod causing fracture on



her head. Other co-accused persons snatched gold chain and cash from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of assault against the petitioner which is specifically against co-accused Priyanshu Kumar and Saurav Kumar. Similarly there is no allegation of snatching chain and taking away money against the petitioner. The present case is counter blast of Masaurhi P.S. Case No. 121 of 2023 lodged by co-accused Tapeswar Singh against the informant and others. The petitioner and informant are agnates and cousins and there is dispute over construction of a cowshed on a piece of land which both the parties claim. The petitioner has got clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the fact that the petitioner has been made accused in this case without any specific allegation against him and the possibility of false implication, let the petitioner above named,



in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Masaurhi/concerned court in connection with Masaurhi P.S. Case No. 116 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

