

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81275 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

Kamlesh Kumar @ Kamal Vash @ Kamalwash S/O Ram Sundar Yadav @
Ram Sundar Singh Village- Fulai, Ps. Bihiyan, Dist. Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, accused persons including this petitioner committed murder of the informant's son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of one Guddu Kumar before the police which has got no evidentiary value in the eye of law and he has already been granted bail by another co-ordinate Bench



of this Court vide order dated 22.02.2024 in Cr. Misc. No. 82588 of 2023. During investigation, nothing consistent material has come against the petitioner only on the basis of suspicion, he has been dragged in this case. Neither any incriminating article has been recovered from his conscious possession nor he has been put on TI parade. Moreover, the petitioner is languishing in judicial custody since 29.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Bihiyan P.S. Case No. 144 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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