

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82910 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- BIHIA District- Bhojpur

KAMLESH SINGH @ KAMLESH KR. SINGH S/O- Gupteshwar Singh,
R/O Vill- Belauna Kharaoni, P/s-Bihiya, Dist-Bhojpur.

... .. 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.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Ashok Kumar Singh, learned counsel for

the petitioner, learned counsel appearing for the informant and

Mr.Anil Prasad Singh, learned Additional Public Prosecutor for

the State.

2. The petitioner is apprehending his arrest in
connection with Bihiya P.S.Case No.192 of 2023,FIR dated
26.07.2023 registered for the offences punishable under
Sections 341,323,307,504,506/34 of IPC.

3. The instant F.I.R. has been lodged at the instance of
informant Kalyan Kumar Singh alleging therein that on 26.07
2023 the informant along with his brothers Anand Kumar Singh
and Dhananjay Kumar Singh were returning home from their
agricultural land after getting it ploughed when on NH-922 near
the doors of Baliram Singh, accused Kamlesh Singh, Vivek



Singh, Ramdas Singh, Ankit Singh, Budha Singh, Sudhekar Singh, Ram Sarekh Singh, Gupteshwar Singh, Ram Kripal Singh and Raj Hans Kumar Singh armed with lathi danda surrounded the informant and his brothers and indiscriminately assaulted the informant and his brothers. Injured Dhananjay Singh sustained head injury from the lathi blow of Kamlesh Singh. When the villagers came to save them they also sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that due to admitted land dispute, the present occurrence had taken place and there is case and counter case between the parties and from a bare perusal of the FIR it appears that there is specific allegation against the petitioner that he assaulted to one Dhananjay Kumar Singh, although, he has received injury but the injury report of said Dhananjay Kumar Singh suggests that the injury is simple in nature.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted to one Dhananjay Kumar Singh and apart from the aforesaid the



petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Arrah, Bhojpur in connection with Bihiya P.S.Case No.192 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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