

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6207 of 2025

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHKAR District- Gaya

Kamlesh Rawani @ Kamlesh Ram S/O Late Bhuneshwar Ram R/O Village-
Chaiti Pipar, P.S- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Mahkar P.S. Case No. 16 of 2019, registered for the offences under Section 25 (1-b)A, 26 Arms Act and under Section 20 of U.A.P. Act, 2004. Thereafter, cognizance has been taken for offences under sections 385, 120(B)/34 of the Indian Penal Code and Section 17, 18, 20, 38, 39, 40 U.A.P. Act ,2004 and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on the basis of tip about assembly of Maoist miscreants for making plan for extortion, a raid was conducted at certain identified place. Six persons were found there who started running away on seeing the police party and three of them were apprehended who disclosed the name of this petitioner and other two co-accused persons.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not caught from the spot and nothing incriminating has been recovered from person or possession of the petitioner. His name in this case transpires merely on the basis of confessional statement of Sudhir @ Dharmendra Yadav who has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.07.2019 passed in Cr. Misc. No. 45535 of 2019 and another co-accused Navin Sharma has also been granted bail by this Court vide order dated 18.07.2024 passed in Cr. Misc. No. 44180 of 2019 and their confessional statements have got no legal sanctity. Learned counsel further submits that in fact no offence is made out against the petitioner. The petitioner is in custody since 05.10.2024 and he has three criminal antecedents. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and further considering the fact that petitioner was not apprehended from the spot and nothing incriminating has been recovered from



person or possession and also submission of charge sheet and period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Gaya/concerned court, in connection with Mahkar P.S. Case No. 16 of 2019, subject to the condition laid down under Section 437(3) 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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