

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19270 of 2025

Arising Out of PS. Case No.-222 Year-2024 Thana- MALI District- Aurangabad

Kamendra Kumar Singh, aged 40 years, Male, S/O Vijay Singh, Resident of
Village- Ghuja, P.S.- NTPC Khaira, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate
For the Informant : Mr. Krishna Pd. Singh, Sr. Advocate and Mr. Saket
Kumar Singh, Advocate
For the State : Mr. Rajendra Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 16-07-2025 Heard learned counsel for the petitioner, learned
senior counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Mali
P.S. Case No. 222 of 2024 dated 01.12.2024 registered for the
offences punishable under Sections 103(1), 61(2) read with
Section 3(5) of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 30.11.2024 at about
4.30 P.M., the informant alongwith his father, namely, Sanjay
Kumar Singh, was going on a four wheeler vehicle and at about
6.15 P.M., they reached near at Sonaura Pool, three persons
riding on a motorcycle came there and asked from his father
about ‘what happened ?’. In the meantime, three persons riding



on an Apache Motorcycle also came there and the pillion rider opened fire on the head of the informant's father leading to his death on the spot. In the light of vehicle's indicator, the informant identified the persons who opened fire on his father as Rakesh Giri and Mantu Yadav who is sitting with him and the persons who were sitting on another motorcycle as Kamlesh Mehta and Sanjay Giri. The drivers of both the motorcycles were wearing Helmet as such they could not be identified. Rakesh Giri said to the informant that 'Bole The Na Khoon Ka Aashu Rona Hoga.' then the informant in order to save his life ran away towards a paddy field after opening the door of the vehicle and the accused persons opened fire thrice on him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case during the course of investigation and forcibly took confession which has got no evidentiary value in the eyes of law. It is further submitted that from perusal of the postmortem report, it appears that the deceased had received only one bullet injury on his head and no other injury was found anywhere on the body of the deceased. There is no allegation of firing against the petitioner on the



deceased and from perusal of the F.I.R., it appears that the specific allegation of firing on the deceased is against the co-accused persons Rakesh Giri and Mantu Yadav. No incriminating article has been recovered from his possession. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.12.2024.

5. Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned senior counsel for the informant has referred to paragraph nos. 120, 124 and 260 of the case diary and has submitted that the petitioner was in direct connect with the co-accused Rakesh Giri on 30.11.2024. The petitioner has confessed his guilt in his confessional statement made before the police that he was involved in commission of the alleged offence.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Incharge C.J.M. Aurangabad in connection with Mali P.S. Case No. 222



of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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