

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27419 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- Chakki District- Buxar

Kamlesh Rai @ Kamlesh Singh, S/o Late Ram Govind Singh @ Late Ram Govind Rai, R/O Village- Chuni Dera, P.S- Chakki, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Adv.
For the Informant	:	Ms. Dimpal Kumari, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Parijat Saurav, learned counsel for the petitioner, Ms. Dimpal Kumari, learned counsel for the informant and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. The petitioner seeks regular bail in connection with Buxar Chakki. P.S. Case No. 05 of 2024 dated 26.08.2024 registered for the offence(s) punishable under Sections 191(2), 191(3), 190, 109, 115(2), 118(1), 125, 126(2), 352, 351(2), (3) of the B.N.S. Act and Section 27 of the Arms Act.

3. The main submissions advanced by petitioner's counsel are that the FIR itself goes to show that there was a land dispute in between both the parties at the time of commission of the alleged occurrence, in fact, the civil litigation concerned to



the said land dispute ended in the favour of the petitioner and the first appeal was also decided in the favour of petitioner though the second appeal is still pending, in the FIR, 20 accused persons including the petitioner have been named and the petitioner is alleged to have opened fire at one namely, Tarkeshwar Rai and as per the allegation on account of that firing the said Tarkeshwar Rai sustained firearm injury to his left leg but the said allegation does not get corroboration from Tarkeshwar Rai's injury report, a copy of which has been filed as Annexure- 4 and his injury report shows that he sustained five injuries but the injury no. 2 attributed to the petitioner has been opined to be simple in nature and further all his injuries have been opined to be caused by hard and blunt object by the Doctor which does not corroborate the allegation as to using firearm in causing injury to said Tarkeshwar Rai. It is further submitted that, in fact, a free fight took place in between both the parties, and four persons, including the petitioner, sustained injuries, among them three persons sustained firearm injuries and copies of their injury reports have been filed with this petition. It is lastly submitted that the petitioner has been languishing in jail since 23.12.2024 and against him the investigating has been completed.



4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that against this petitioner there is serious allegation and he opened firearm at the prosecution party.

5. In the facts and circumstances of this case as well as considering the aforesaid submissions advanced by the petitioner's counsel and mainly the nature of injuries of one Tarkeshwar Rai who is said to have been caused firearm injury by the petitioner but his injuries discussed in his injury report by the Doctor as stated above do not corroborate the said allegation and also considering the petitioner's plea of free fight and coupled with petitioner's custody period and the completion of investigation against him, this court is inclined to release him on regular bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Buxar Chakki. P.S. Case No. 05 of 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

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

