

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27488 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- MUFFASIL District- West Champaran

Kamleshwar Prasad Singh @ K.P. Singh S/O Late Bijli Singh R/O Arnahwa,
P.S- Majhauilya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Aggarwal, Sr. Adv
	:	Mr. Sarvesh Kashyap, Adv
	:	Ms. Akanksha Rai, Adv
	:	Mr. Deepak Kumar, Adv
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Krishna Singh, Sr. Adv
	:	Mr. Rakesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2025 Heard learned counsel for the parties.

2. The accused/petitioners seek bail in connection with Bettiah (Muffasil) P.S. Case No. 439 of 2024 registered for the offences under Sections 103(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and Section 27 of the Arms Act and later on section 111(2)(a) of the B.N.S. was added.

3. The petitioner is named in the First Information Report, where petitioner is in custody since 14.08.2024.

4. As per FIR, some of miscreants shot dead the husband of the informant on 05.08.2024 at about 9:15 A.M.,



near to the Bettiah Railway Station.

5. Learned senior counsel, while appearing on behalf of the petitioner, submitted that mere on the basis of suspicion arising out of CCTV footage as the petitioner was found roaming around the place of occurrence which is a public and busy place like railway station, they were implicated with the present occurrence. It is pointed out that during course of investigation one Ritesh Kumar Singh and Pawan Singh who appears acquainted with the informant, were called by informant at her house after 18 days of the occurrence, who also stated that petitioners were found roaming around the place of occurrence, but failed to disclose any involvement of petitioners in actual occurrence of murder.

6. While concluding argument, it is submitted that the co-accused Abhishek Rai having 14 criminal antecedents has already granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 54427 of 2025 dated 08.08.2025 as charge could not framed by the learned trial court and he was in custody since 16.08.2024.

7. It is pointed out by Mr. Aggarwal that custody of



this petitioner is almost same and as per progress of trial, even till date charge could not framed by the learned Trial Court and, therefore, as a matter of judicial parity, this petitioner also deserve bail beside available merit.

8. It is also submitted by Mr. Aggarwal, that investigation of this case is already completed, charge sheet has been submitted and as such, there is no chance of tampering with the evidence and, moreover, petitioner found involved in seven more criminal cases, where he is on bail.

9. It is pointed out that in view of aforesaid, it can be safely said that save and except suspicion nothing appears available against these petitioner and merely on the ground that informant was in inimical terms with co-accused Abhishek Rai, the petitioner was implicated with the present case.

10. Heard learned A.P.P. for the State.

11. Learned counsel appearing for the informant could not disputed the aforesaid factual submission as submitted above, however, he pointed out that the petitioner was actively involved in conspiracy and in actual commission



of crime which is evident from the fact that after the commission of offence the accused was gathered at Delhi for party.

12. In view of aforesaid factual submission and by taking note of the fact as *prima facie* save and except suspicion arising out of CCTV footage as petitioner was found roaming around the place of occurrence, which is a busy public place like railway station, coupled with the fact that similarly situated co-accused person namely, Abhishek Rai has already been granted bail by one of the learned coordinate Bench of this Court, as discussed aforesaid, where petitioner is in custody since 14.08.2024 and as the trial of this case is not likely to be conclude in near future, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah (Muffasil) P.S. Case No. 439 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of



the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”)
and further condition:

(i) That petitioners shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners, which shall be decided by trial court itself after giving opportunity of hearing to the petitioners.

(ii) Accused/Petitioners shall physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(Chandra Shekhar Jha, J.)

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