

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33880 of 2025**

Arising Out of PS. Case No.-149 Year-2024 Thana- BARURAJ District- Muzaffarpur

Kamlesh Kumar @ Kamlesh Ram S/O Langatu Singh @ Langatu Ram R/O
Vill.- Chhipuliya, Ward no. 3, P.s.- Baruraj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 04-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Baruraj P.S. Case No. 149 of 2024 registered for the alleged offences under Sections 103(1)/3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the father-in-law of the informant was firstly assaulted by the co-accused Langatu Ram, who assaulted him with *lathi* and made him unconscious. Thereafter, co-accused Sukun Ram and this petitioner along with other co-accused Salindar Ram also assaulted the father-in-law of the informant with *lathi*. During treatment, the father-in-law of the informant succumbed to his injuries.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against this



petitioner and other co-accused persons. Though there is allegation of assault against petitioner and three other co-accused persons, the postmortem report falsifies this allegation as only one lacerated wound has been found on the left side of head and another injury is a bruise of size 3"x2" over right buttock and cause of death is stated to be haemorrhage and shock due to the aforesaid injuries caused by hard and blunt object. Therefore, the allegation of assault by four persons is not believable. Even from the FIR, it is evident that the informant alleged that deceased was firstly assaulted by co-accused Langatu Ram and thereafter, altogether three persons joined the assault, but the petitioner has been falsely implicated in this case as he is one of the sons of Langatu Ram and the brother of other two co-accused persons. Thus, the allegation against the petitioner is concocted. The petitioner is having clean antecedent. The petitioner is in custody since 09.02.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that petitioner and other co-accused persons assaulted the father-in-law of the informant, who succumbed to his injuries.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the postmortem report and doubtful nature of allegation against the petitioner when the accusation of assault is only against co-accused Langatu Ram and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court concerned in connection with Baruraj P.S. Case No. 149 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.
- (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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