

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47429 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- DAUDNAGAR District- Aurangabad

Kamlesh Prajapati son of Late Nanhak Prajapati village -Daudnagar, Mali
Tola, Ward no. 5, Ps- Daudnagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Daudnagar P.S. Case No. 81 of 2025 registered for the offences under Sections 103(1), 191(2) and 190 of the B.N.S.

3. As per prosecution case, the husband of the informant went to a temple for drinking water but he was caught by petitioner and other co-accused persons who thrashed him making allegation of committing theft. The police came and took the husband of the informant to police station where his condition deteriorated and while being taken to the Sub Divisional Hospital, Daudnagar, the husband of the informant died on his way.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner and other co-accused persons as 9 persons have been made accused by the informant. True fact of the case is that deceased went to commit theft in Shiv Temple, Daudnagar and he was caught and handed over to the police and this fact is apparent from the FIR and the husband of the informant died in police custody. The police released a press note in this regard and in the said note it has been mentioned that on 05.02.2025, Daudnagar police received information about a person trying to commit theft in inebriated condition and he was caught hold by the local police. Thereafter, the police vehicle of dial 112 reached on the spot and brought the person to the police station and on test of breath analyzer, it was confirmed that he had consumed liquor. Thereafter, the condition of this person deteriorated, he was taken to hospital where he died during his treatment. So the husband of the informant died perhaps due to high handedness of the police and petitioner and others have been falsely made accused in this case. Petitioner is in custody since 05.05.2025. Petitioner is having clean antecedent.



5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner and other co-accused have been named by the wife of the informant for being assailants of her husband.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner in the background of conflicting version about death of the husband of the informant and also considering the clean antecedent of petitioner coupled with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad/concerned court in connection with Daudnagar P.S. Case No. 81 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. 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.

(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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