

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56841 of 2025

Arising Out of PS. Case No.-527 Year-2023 Thana- ISLAMPUR District- Nalanda

Kamu Chauhan @ Kamu Chaudhary S/o Arjun Chauhan Resident of Village -
Mojahidpur, P.S. - Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, APP

For the Opposite Party/s : Mrs. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-09-2025 Heard learned counsel for the petitioner and Mrs. Renu Kumari, learned A.P.P. for the State. Perused the case diary called for in Cr. Misc. No. 9977 of 2025.

2. The petitioner apprehends his arrest in connection with Islampur P.S. Case No. 527 of 2023 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. Allegedly, when co-accused Birendra Chauhan, who was a labour contractor was not provided labourer despite payment of Rs. 15 lac, the informant along with other persons went to his house at village Mojahidpur by Scorpio bearing



registration no. BR01PF-6131 to get his money returned, whereupon co-accused Birendra Chauhan called upon 9-10 unknown persons and all of them started assaulting the informant and his associates. It is specifically alleged that co-accused Birendra Chauhan assaulted one Arun Kumar by means of iron rod over his head due to which he sustained serious injury leading to his death.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Birendra Chouhan recorded before the police which has got no evidentiary value in the eye of law. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of assault is against the co-accused Birendra Chouhan. In the postmortem report, the



doctor has not found any external injury upon the body of the deceased. In the confessional statement, no any overt act has been attributed against the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioner further submits that the co-accused Ashok Kevat has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 33680 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner. He further submits that the prayer for bail of the co-accused Birendra Chauhan has already been rejected by this Court vide order dated 07.07.2025 passed in Cr. Misc. No. 7134 of 2025.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also there being no specific



allegation of any overt act against the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Islampur P.S. Case No. 527 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

rishi/-

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

