

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40814 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -PIPRA District- SUPAUL

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1. Ashok Kamat,
2. Sanjay Kamat, Son of Hari Lal Kamat,
3. Shiv Kumar Kamat,
4. Deo Kumar Kamat,
5. Nitesh Kumar, Son of Late Nashib Lal Kamat,
6. Bishembher Kamat Son of Nunu Lal Kamat,
7. Ratan Kamat @ Ralan Kamat @ Rataan Kamat Son of Mahavir Kamat,
All are R/o Village- Lalpur, P.S.- Pipra, District- Supaul Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Arun, Adv.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP 238

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 09-11-2017

Heard both sides.

The petitioners apprehend their arrest in Pipra P.S. Case No. 41 of 2017 registered under Section 307 and other sections of the Indian Penal Code.

The informant, Mahesh Kamat, alleged that oxen of Manoj Kamat were damaging his crops. He brought the oxen, on such Ashok Kamat and Sanjay Kamat came and assaulted the informant with fists and slaps. Shiv Kumar Kamat, petitioner no. 3, Deo Kumar Kamat, petitioner no. 4, Nitesh Kumar Kamat, petitioner no. 5, Shiv Shankar Kamat, Ratan Kamat, petitioner no. 7 and Bishembher Kamat, petitioner no. 6, having armed with different weapons also came there. Nitesh Kumar Kamat assaulted the informant with catapult (gulail) on his left eye, Shiv Kumar Kamat, petitioner no. 3, assaulted the father of the informant, Deo Kumar Kamat, petitioner no. 4, and assaulted Vijay Kamat, the brother of the informant. When the mother of



the informant came, Shiv Shankar Kamat and Ashok Kamat, petitioner no. 1 pushed her down on the ground and snatched her ornaments.

The learned counsel for the petitioners submits that there is a counter version being Pipra P.S. Case No. 42 of 2017. The father, brother and mother of the informant, Mahesh Kamat, got simple injury. Mahesh Kamat got injury over his left eye, but, the opinion, with regard to the injury, kept reserved and the final opinion is not received till date. The case diary was also called for, but, the investigating officer did not collect the final injury report of Mahesh Kamat and on account of land dispute the case and counter case were lodged.

On the other hand, the learned Additional Public Prosecutor opposed the prayer for anticipatory bail.

On perusal of the record, it appears that petitioners 1, 2, 3 and 4, namely, Ashok Kamat, Sanjay Kamat, Shiv Kumar Kamat and Deo Kumar Kamat, are alleged to have assaulted the informant, but, only one injury is found on the person of the informant, Mahesh Kamat and the opinion of the same injury is kept reserved. There was swelling and bleeding from eye of the injured. The father, brother and mother of the informant got simple injury. There is counter version also.

Considering the facts, aforesaid, I find that petitioners 1, 2, 3, 4, 6 and 7, named above, deserve anticipatory bail and they in the event of their arrest or surrender, within four weeks from the date of receipt of this order, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Pipra P.S. Case No. 41 of**



2017 to the satisfaction of the **Additional Chief Judicial Magistrate, III, Supaul**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

So far the case of petitioner no. 5, Nitesh Kumar Kamat, is concerned, there is specific allegation that he assaulted the informant, Mahesh Kamat, with catapult (gulail) and the blows of the catapult hit on the left eye of Mahesh Kamat causing swelling and bleeding from the left eye. The doctor kept the opinion of the injury reserved, hence, I am not inclined to grant anticipatory bail to petitioner no. 5.

The prayer for anticipatory bail on behalf of the petitioner no. 5, Nitesh Kumar Kamat, is **rejected**.

(Prabhat Kumar Jha, J)

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