

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43805 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -PHULPARAS District- MADHUBANI

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1. Shyam Sundar Kamat Son of Late Ras Bihari Kamat, R/o Village-Suryahi, P.S.- Laukahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 22-09-2017 Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor and the learned counsel for the informant.

The petitioner apprehends his arrest in Phulparas P.S. case No. 111 of 2017 for the offences punishable under Section 307, 326 and other Sections of the Indian Penal Code.

The informant named the petitioner, Shyam Sundar Kamat Son of Late Ras Bihari Kamat, along with other accused persons and alleged that they came and forcibly stopped the measurement of land. The accused persons began to abuse and there was stampede among the villagers but Umakant Rai fired which hit the informant. While Umesh Kamat, Bhavesh Kamat and Mahendra Kamat were coming Deokant Prasad fired which hit



Mahendra Kamat and Mahendra Kamat was badly injured. Umakant Prasad also fired causing fire arm injuries to Bhavesh Kamat. Shyam Sundar Kamat, son of Arjun Kamat, fired which hit Umesh Kamat. Thereafter, Satya Narayan Prasad, Gauri Kant Prasad and others came and damaged the hut of the informant.

The learned counsel for the petitioner submits that name of the petitioner figured at serial No.5 of the FIR in the accused column but no specific allegation is made against him. The informant has made very specific allegation against Umakant Rai, Umakant Prasad, Deokant Prasad and Shyam Sundar Kamat, son of Arjun Kamat. The petitioner is son of Late Ras Bihari Kamat. Similarly situated accused Gauri Kant Prasad, Satya Narayan Prasad and Indra Narayan Kamat have already been enlarged on anticipatory bail vide order dated 28.08.2017 passed in Cr. Misc. No. 39690 of 2017. The case of petitioner stands exactly on the same footing.

On the other hand, the learned counsel for the informant as well as the learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that name of petitioner is very much in the FIR and during the course of investigation it has come that it was the petitioner who ordered and on such other accused persons opened firing.



Having considered the facts that the informant, although named the petitioner in the FIR but did not make either specific or general allegation against him although the informant made specific allegation against Umakant Rai, Umakant Prasad, Deokant Prasad and Shyam Sundar Kamat, son of Arjun Kamat, that they opened firing causing injury to the informant and others, the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Phulparas P.S. case No. 111 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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