

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32699 of 2017

Arising Out of PS.Case No. -168 Year- 2014 Thana -MADHEPUR District- MADHUBANI

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Purusotam Kamat @ Purushotam Kumar Kamat, Son of Kapildev Kamat,
Resident of Village- Bhith-Bhagwanpur, P.S.- Madhepur, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.01.2015 in connection with Madhepur P.S. Case No. 168 of
2014, G.R. No. 1724 of 2014 registered for the offence punishable
under Sections 394 and 302 of the Indian Penal Code.

The prosecution case is, as lodged by the informant, is
that while his brother, Dhaneshwar Mahto had gone to purchase a
bullock and was returning home along with Ram Prasad Mahto
and Shankar Mahto, one motorcycle came and one of the persons
riding the motorcycle snatched cash and opened fire, as a result,
his brother got seriously injured and died instantly.



It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the First Information Report. He submits that during course of investigation in connection with Madhepur P.S. Case No. 185 of 2014, his name surfaced and he has been named by co-accused Niranjana Kumar as his accomplice. He submits that in his own confessional statement as well as the confessional statement of Niranjana Kumar, it has come to light that another rider of the motorcycle, Md. Shamim opened fire as a result, brother of the informant got injured. He submits that no overt act has been committed by him and that he has been remanded in the present case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two cases are pending against him and one of them is of similar nature, although in both cases he is on bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction



of the learned Additional Chief Judicial Magistrate, Jhanjharpur, District Madhubani in connection with Madhepur P.S. Case No. 168 of 2014, G.R. No. 1724 of 2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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