

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30773 of 2018

Arising Out of PS.Case No. -30 Year- 2017 Thana -NADI District- SUPAUL

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1. Bajrang Kamat
 2. Satya Narayan Kamat @ Satya Narayan Kumar
Both Sons of Baijnath Kamat Residents of Village - Kadmaha, P.O.
Mungaraha, P.S. - Supaul Nadi Thana, District - Supaul.
 3. Rama Kamat son of Debu Kamat resident of village - Pachgachchiya,
P.S. Supaul Nadi Thana, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-05-2018

Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 365, 366A, 506, 120B of the Indian Penal Code and Sections 4/6 of the Prevention of Children from Sexual Offences Act.

The prosecution case as per the written report of Ravindra Kumar dated 05.12.2017 submitted to the Station House Officer, Supaul Nadi P.S. is to the effect that on 02.12.2017 at 12.00 A.M. the informant woke up, but he could not find his daughter Sabita Kumari, aged about 15 years, in her



room then the family members of the informant tried to locate her but she could not be located. During search the informant came to know that his daughter Sabita has been kidnapped by co-accused Deepak Kamat and that the other co-accused Shiv Kumar Kamat, Domi Kamat, Badri Kamat, Bechan Kamat, Sujan Devi, Sangita Devi, Arvind Kamat have conspired with Deepak Kamat. The name of the petitioners sprang up during investigation when on recovery the victim named the petitioners.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR. During medical examination the victim was found aged 18 to 19 years and prima facie, no offence under POCSO Act is made out. The medical opinion also does not suggest that the victim was ravished. However, in 164 Cr.P.C. statement the victim named the petitioners also, as accomplice of Deepak Kamat and other FIR named accused persons but there is specific accusation against co-accused Deepak Kamat that he established forceful relationship with the victim for three consecutive days. However, the actual kidnapping was done by Deepak Kamat, Bishnudeo Kamat and Arvind Kamat on gun point. The victim was recovered from the maternal uncle's house of Deepak Kamat. Though, the victim got her age recorded as 15 years



when the Court has assessed her age as 15 ½ years. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that the victim in her statement recorded under Section 164 Cr.P.C. has named these petitioners also and the accused persons are still threatening the informant as a result another case has also been lodged against the accused persons of the present case.

Considering the delayed lodging of the case as for the occurrence of 02.12.2017 the FIR was registered on 05.12.2017, the accusation being not corroborated with medical opinion, the thrust of accusation in 164 Cr.P.C. statement being against Deepak Kamat, Bishnudeo Kamat and Arvind Kamat, who actually kidnapped the victim and prima facie, it appears a case of love affair between Deepak and the victim, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Supaul in connection with Supaul Nadi P.S. Case No. 30 of 2017,



subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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