

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14156 of 2020

Arising Out of PS Case No.-59 Year-2014 Thana- MARAUNA District- Supaul

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Laxman Kamat, Male, aged about 34 years, Son of Shri Anandi Kamat,
Resident of Village- Goghrariya Tola, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Amrit Abhijat, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Marauna PS Case No. 59 of 2014 dated 16.07.2014 instituted under Sections 307, 324, 504, 427, 147, 148, 149, 341 and 323 of the Indian Penal Code.

4. The allegation against the petitioner and six others is of assault on the informant and his family members.



5. Learned counsel for the petitioner submitted that the dispute is among agnates related to land. It was submitted that the petitioner and six others, are said to have assaulted the informant and his family members but in the same transaction the petitioner has also suffered grievous injuries, for which there is a counter case. Learned counsel submitted that the injuries on the informant, which is attributable to the petitioner i.e., giving *farsa* blow on the head, in the medical report has been found to have resulted in lacerated wound on the head which is said to be simple in nature and with regard to the fracture in the hand and bruise, the same is not alleged to have been inflicted by him. Learned counsel submitted that in the counter case, which is also earlier in time to the present case, the injury on the petitioner is grievous as besides having lacerated wound on the head, his neck bone has been found to be fractured and the wound on his leg is also said to be grievous in nature and altogether there are six injuries whereas the informant in the present case has got only three injuries. Learned counsel submitted that the parties being agnates and there being a scuffle, the petitioner has undergone long incarceration as he is in custody since 04.12.2019, having no other criminal antecedent.

6. Learned APP, from the case diary, submitted that the petitioner is said to have inflicted blow by *farsa* on the head.



However, he did not controvert the fact that the blow which is attributable to the petitioner has resulted only in lacerated wound on the head, which, in the opinion of the doctor is simple in nature.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Supaul in Marauna PS Case No. 59 of 2014 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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