

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15865 of 2020

Arising Out of PS. Case No.-150 Year-2019 Thana- BHAIKAVSHTHAN District-
Madhubani

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Barun Kamat @ Barun Kamati @ Barun Kumar Kamati, Male, aged about 23 years, S/o Late Mahavir Kamati R/o village- Kharrakh, Ward No. 1, P.S.- Bhairabasthan, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 04-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Bhairabasthan P.S. Case No. 150 of 2019 registered for offences under sections 394 of the Indian Penal Code.

As per First Information Report, the Informant was returning from Samastipur on motorcycle. In the meantime, some miscreants followed and intercepted him and, at the same time, they started to assault him and caused injury on the left side of the eye led to oozing out blood. They snatched the bag containing different records and he has also given detailed descriptions of the accused persons stating that all the accused



persons were having dark complexion and were between 25-30 years of age and claimed that he can identify the accused persons but, he could not see that the motorcycle by which they came and intercepted him. Thereafter, he was sent to hospital for his treatment.

From the case diary, it appears that the looted motorcycle has been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the house is a tenanted house in which four persons were residing and all were arrested by the police but, later on, two persons have been granted bail. Paragraph no.35 of the case diary shows that the petitioner has a criminal antecedent but, learned counsel for the petitioner submit that in those cases, the petitioner has been granted bail. Learned counsel for the petitioner submits that bag which was snatched has not been recovered. He further submits that the petitioner is in custody since 13.10.2019.

Looking to the entire facts and circumstances of the case, let the petitioner, above named, be released 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 Sessions Judge, Jhanjharpur, Madhubani in connection with Bhairabasthan P.S. Case No. 150 of 2019,



subject to the condition that (i) one of the bailors shall be the aunt of the petitioner who has sworn the affidavit in the present petition (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Bhairabasthan police station by 7th of every month for at least nine months and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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