

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23400 of 2020

Arising Out of PS. Case No.-123 Year-2016 Thana- SUPAUL District- Supaul

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Bindeshwari Kamat @ Vindeshwari Kamat, S/o Late Kallar Kamat, R/o
village-Piprakhurd, P.S. & District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2020 Filing through e-mail of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

2. The application is apparently not in accordance

with the provisions prescribed under the Patna High Court Rules,

which do not contemplate filing of application through e-mail. In

spite of that, considering the extra-ordinary situation, filing of the

present application has been allowed through email.

3. Considering the situation prevailing, the Court has

considered, for the present, to ignore the deficiency in filing of the

application.

4. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.



5. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Supaul P.S. Case No. 123 of 2016 registered under Sections 467, 468, 471, 420, 406, 323, 504, 379 read with 34 of the Indian Penal Code.

6. It is submitted by the learned counsel for the petitioner that the case is predominantly of civil nature, which has been given a colour of criminal prosecution by the informant, who is full brother of the petitioner. It is further contended that in order to put pressure upon the petitioner so that he may not make any claim in undivided family property, the instant case has been registered.

7. Learned counsel appearing for the State has opposed the application for grant of bail to the petitioner.

8. The complainant had filed a complaint case against the petitioner and his son Ranjit Kamat in the court of Chief Judicial Magistrate, Supaul alleging therein that the petitioner and his son conspired together and tampered the sale deed by which the complainant had purchased a piece of land in his own name. He has further alleged that the petitioner has got his name inserted in the said sale deed and has sold the said piece of land to one Pramod Kamat on 09.12.2015 vide Deed No.7885.

9. Considering the nature of the offence, the



allegations made in the complaint and the period of seven months undergone by the petitioner in custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6th, Supaul in connection with Supaul P.S. Case No.123 of 2016.

10. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Ranjay Kumar Singh, learned counsel for the petitioner also on his e-mail.



- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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