

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17082 of 2021

Arising Out of PS. Case No.-79 Year-2019 Thana- LADANIA District- Madhubani

1. Rabindra Kumar Kamat @ Rabindra Kamat (Male), aged about 24 years, Son Of Shiv Kumar Kamat, Resident of Village - Marniya, P.S.- Ladaniya, Distt.- Madhubani.
2. Shiv Kumar Mamat, (Male), aged about 57 years, Son of Abadh Kamat, Resident of Village - Marniya, P.S.- Ladaniya, Distt.- Madhubani.
3. Nagendra Kamat @ Nage Kamat (Male), aged about 26 years, Son of Ashok Kamat, Resident of Village - Marniya, P.S.- Ladaniya, Distt.- Madhubani.
4. Ashok Kumar Kamat (Male), aged about 60 years, Son of Abadh Kamat, Resident of Village - Marniya, P.S.- Ladaniya, Distt.- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

The petitioners are apprehending their arrest in connection with Ladaniya P.S. Case No. 79/2019, corresponding



to C.R.I. No. 759 of 2019 for the offence registered under Sections 341, 323, 307, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that the informant has planted *Munga tree* in her land. It is alleged that on 01.05.2019 at about 7.00 A.M., ten named accused persons including these petitioners unearthed this tree forcibly. At this, she said that the land belongs to her and why they uprooted this tree, for this, she was abused and when her husband reached there, he asked that why his wife was harassed, the tree uprooted, he was also abused when they prohibited them for abusing, it is alleged that her husband was assaulted with fists. Her husband any how fled away and took shelter in his house. But all the accused persons entered into courtyard and started beating him with fists and slaps. It is further alleged that co-accused Birendra Kumar struck his husband Manoj Kamat @ Chhedi Kamat with *Farsa* on the head which caused bleeding. When the informant tried to save her husband, it is alleged that Upendra Kamat assaulted her on right head with *Lathi* and took her *Hasuli* and *gold nose pin*. On hue and cry, villagers came and intervened.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. The specific allegation of assault is against co-accused Birendra Kamat and Umed Kamat. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. Co-accused Umed Kamat @ Umed Lal Kamat has already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 27346 2020 under order dated 15.01.2021, as annexed as Annexure- 4 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Madhubani in connection with Ladaniya P.S. Case No. 79/2019, corresponding



to C.R.I. No. 759 of 2019, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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