

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23141 of 2021

Arising Out of PS. Case No.-143 Year-2019 Thana- RAJPUR District- Buxar

MOTILAL KAMKAR @ MOTILAL KUMAR KAMKAR S/O
VISHWANATH KAMKAR R/o village- Bahuara, P.S.- Rajpur, District-
Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh

For the Opposite Party/s : Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Rajpur P.S.
Case No. 143 of 2019 registered under Sections 147, 148, 341,
323 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

The petitioner's prayer for bail was earlier rejected
on 02.07.2020 in Cr. Misc. No. 20873 of 2020. While rejecting
the prayer, this Court had taken note of, the case of the



prosecution that the gun-shot injury on the informant's leg was attributed to the petitioner.

Learned senior counsel for the petitioner once again retraced the submissions advanced by hearing the matter on the earlier occasion that the prosecution is based on past enmity and in fact informant was aggressor and had sustained injuries otherwise. Apart from the said submission, he further states that petitioner has now undergone substantial custody from 10.02.2020 pending trial.

It was in this background, this Court had called for a report. The report receiving from the court, suggests that the record is still pending for appearance of the absent accused persons.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case along with report, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in



Rajpur P.S. Case No. 143 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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