

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26890 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- RAJNAGAR District- Madhubani

1. AKASH KUMAR KAMAT @ AKASH KAMAT Son of Lal Deo Kamat Resident of Village- Ranti, Ward No.2, P.S.- Raj Nagar, District- Madhubani.
2. Deepak Kamat @ Deepak Kumar Kamat Son of Lat Deo Kamat Resident of Village- Ranti, Ward No.2, P.S.- Raj Nagar, District- Madhubani.
3. Sarwati Devi Wife of Lal Deo Kamat Resident of Village- Ranti, Ward No.2, P.S.- Raj Nagar, District- Madhubani.
4. Lal Deo Kamat Son of Late Turant Kamat Resident of Village- Ranti, Ward No.2, P.S.- Raj Nagar, District- Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.Shakir Ahmed, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-02-2021 Heard learned counsel for the petitioners and Mr. Shakir Ahmed, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Raj Nagar P.S. Case No. 28 of 2020 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 354, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the petitioners indulged in abuse and assault to the informant while he was involved in the work of Road Construction.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is case and counter case between the parties for the same occurrence. Injuries of the injured are simple in nature. The petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case in which there is a case and counter case between the parties, the counter case has been lodged vide Annexure '3' in respect of the same occurrence and that both the parties are co-villagers and the injuries caused are said to be simple in nature, the petitioners have otherwise no criminal antecedent, let in case of their arrest or surrender petitioners above-named within a period of four weeks from today in connection with Raj Nagar P.S. Case No. 28 of 2020 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Madhbani, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

