

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24020 of 2020

Arising Out of PS. Case No.-57 Year-2016 Thana- BIHRA District- Saharsa

PAWAN KAMAT S/O- Binda Kamat Resident of Village - Sihaul, P.S. -
Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ansul, Advocate

For the Opposite Party/s : Ms Shaheen Begum, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Bihra Police Station (for
brevity, *PS*) Case No 57 of 2016 instituted for the offence
punishable under Sections 302, 120B of Indian Penal Code and
Section 27 of Arms Act.

The prosecution case alleges that the petitioner and
co-accused Bhagwan Jha indiscriminately fired upon
informant's brother causing his death. As per submission of
petitioner's counsel, earlier prayer for bail has been rejected
twice. Once on 22.10.2016 in Cr Misc No 46166 of 2016 and,
thereafter, on 12.12.2018 in Cr Misc No 64620 of 2018.
Submission is of false implication. Bail is prayed for also on



ground of parity with co-accused Bhagwan Jha who has recently been allowed bail on 08.01.2021 in Cr Misc No 31152 of 2020, whereas allegation against him is one and the same.

Learned APP has opposed the prayer for bail.

Prayer is allowed with the same condition as has been imposed in the case of co-accused Bhagwan Jha as per xerox copy of the order which has been handed over by the petitioner's counsel.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Saharsa in Sessions Trial No 65 of 2017 arising out of Bihra PS Case No 57 of 2016 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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