

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38661 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- PANDAUL District- Madhubani

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RAJA KAMAT @ RAJA KUMAR KAMAT @ RAJA KUMAR KAMATI,
Son of Ram Kamat @ Raj Kumar Kamati, Resident of Village - Lohna, P.S.-
Bhairab Asthan, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nand
Kishore Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Pandaul P.S. Case No. 103 of 2020 registered

for the offence punishable under Sections 385, 504, 506/34 of

the Indian Penal Code and Section 27 of the Arms Act.

Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, the accused persons named in the F.I.R.

came at the house of the informant and indulged in hurling



abuses and threatening. It is alleged that Sandeep Jha @ Vipul Jha demanded Rangdari of Rs. 50,000/- and fired in air. It is further alleged that on the next day again the accused persons fired at the house of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that in the F.I.R. altogether seven persons are named and it is alleged that they had stopped near the house of the informant and were hurling abuses and were threatening, however, the specific allegation of demand of Rs. 50,000/- as Rangdary has been made as against co-accused Sandeep Jha @ Vipul Jha and no specific overt act has been alleged against the petitioner.

Mr. Nand Kishore Prasad, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court from which it appears that in the F.I.R. altogether seven persons are named and it is alleged that they had stopped near the house of the informant and were hurling abuses and were threatening, however, the specific allegation of demand of Rs. 50,000/- as Rangdary has been made as against co-accused Sandeep Jha @ Vipul Jha and allegedly it was he who was



firing, there being no allegation that this petitioner was armed with any weapon and had indulged in firing and further that the petitioner has got no criminal antecedent, this Court directs the petitioner above-named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 103 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

