

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2818 of 2022

Arising Out of PS. Case No.-334 Year-2020 Thana- BISFI District- Madhubani

1. SURAJ KAMAT @ SURAJ KUMAT Son of Late Bauku Kamat Resident of Village- Bhoj Pandaul, P.S.- Bisfi, District- Madhubani.
2. Nirmala Devi W/o Suraj Kamat @ Suraj Kumat Resident of Village- Bhoj Pandaul, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302, 354 and 504 of the Indian Penal Code.

According to the prosecution case, due to village politics and previous enmity between informant's family and the petitioner scuffled took place in which both the parties have sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that there general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the co-accused Saroj Kumar and Manoj Chaudhary have been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Misc. No.53728 of 2021. Some other co-accused namely, Ram Kamat and Raju Kamat have been also granted bail by this Court vide order dated 15.12.2021 passed in Cr. Misc No. 47839 of 2021 and another co-accused, Bacchan Mandal@ Bacchan Kumar @ Bachchan Mandal has also been granted bail by this Court vide order dated 20.12.2021 passed in Cr. Misc. No. 48531 of 2021. The petitioners are rotting in judicial custody since 07.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bisfi P.S. Case No. 334 of 2020 with the



following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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.

(Rajesh Kumar Verma, J)

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