

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4173 of 2022

Arising Out of PS. Case No.-266 Year-2020 Thana- SUPAUL District- Supaul

Binod Kamat, S/o- Jagdish Kamat, Resident of Village- Balwa, Punarwas,
(Ward No.-15) P.S.- and District- Supaul. At present Resident of Muhalla
Supaul Ward No.15, P.S. and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Supaul P.S. Case No. 266 of 2020 registered
for the alleged offences under Sections 144, 149, 341, 323, 302
and 504 of the Indian Penal Code and Section 27 of the Arms
Act.

As per prosecution case, brother of the informant was
assaulted by the petitioner and other co-accused persons with
lathi, danda and rod. The brother of the informant sustained
serious injuries and while he was being taken to PMCH, Patna



the brother of the informant died on his way. The petitioner allegedly hit on the head of the brother of the informant with iron rod.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The cousin of the petitioner namely Ranjit Kamat who is an accused has also filed a case against the informant and others vide Supaul P.S. case no. 256 of 2020 under Section 144, 149, 447, 436, 341, 323, 448, 354(A) and Section 25(1-B)a of the Indian Penal Code and Section 27 of Arms Act and the present case is counterblast of the same. As per the FIR, there is specific allegation against the petitioner but the postmortem report does not support the allegation as made in the FIR. The other co-accused persons Vikash Kumar and Ranjeet Kamat have been granted bail by a Coordinate Bench of this Court vide Cr. Misc. No. 41009 of 2020 dated 05.04.2021. The case of the petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 25.01.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that specific allegation has been made against this petitioner. The postmortem report also supports the prosecution case against the petitioner as death has



been caused due to intracranial hemorrhage and neurogenic shock. Learned APP further submits that though there is no scalp laceration but there is hematoma on right parietal area. Witnesses in paragraphs 9, 10 and 11 of the case diary have specifically named this petitioner who hit on the head of the deceased with iron rod.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the specific allegation against this petitioner duly corroborated by the postmortem report which shows grave and serious allegation against the petitioner, I am not inclined to enlarge this petitioner on bail at this stage. Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within nine months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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