

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22172 of 2021

Arising Out of PS. Case No.-231 Year-2018 Thana- SINGHESHWAR District- Madhepura

1. UMESH KAMAT Son of Hirday Kamat Resident of Village - Shukhason, P.S.- Singheshwar , Distt.- Madhepura.
2. BADRI MANDAL Son of Shri Gulat Mandal Resident of Village - Shukhason, P.S.- Singheshwar , Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Udbhav, Advocate
For the Opposite Party/s : Mr. Ajay Kumar-II, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Ajay Kumar Thakur, learned Advocate for the petitioners and Mr. Ajay Kumar-II, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Singheshwar P.S. Case No. 231 of 2018 dated 15.08.2018 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The mother of the informant has died in an occurrence which arose because of tying of a she goat on a disputed land.

Learned counsel for the petitioners has submitted that though petitioner no. 2 is said to have dashed the deceased to the ground and petitioner no. 1



in the end of the scuffle is said to have ordered everybody to be killed, there is no other allegation against the petitioners.

The deceased unfortunately died but in the post-mortem report, no injury was found on her body.

Considering all these facts and taking into account that a Title Suit No. 118 of 2016 was pending between the parties, the police submitted final report false. The aforesaid police report has been differed with and cognizance has been taken against the petitioners also.

Some of the other accused persons who were also not sent up for trial but cognizance was taken against them have been granted anticipatory bail by a different Bench of this Court.

In view of the submission made on behalf of the petitioners that initially the police did not find the accusation against the petitioners to be correct and also taking into account that the deceased had suffered no external injury with the inference that death could be in the natural course of life, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of



Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Madhepura in connection with Singheshwar P.S. Case No. 231 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioners shall participate in the trial and any attempt at interfering with the trial process or impeding its pace or of threatening the witnesses would render the anticipatory bail granted to them liable to be cancelled.

(Ashutosh Kumar, J)

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