

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22612 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- PHULPARAS District- Madhubani

SHIVAM KAMAT Son of Prabhu Kamat Resident of Village - Phulparas,
Ward no.02, P.S.- Phulparas, Distt.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.

Ms.Preety Kunwar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulparas P.S. Case No. 293 of 2021 registered for the offences
punishable under Sections 384, 387, 120(B) of the Indian Penal
Code.

As per prosecution case, on 31.07.2021 the
informant heard the sound of firing in his room which is in front
of his hardware shop and also received a message through



mobile no. 9472381667 regarding threatening. Further on mobile no. 7903867870 and 7320062202 of Airtel which is of informant's son Ritu Raj, he received three voice messages, out of which two messages have been deleted and one is still in the mobile no. 7903867870. In that voice message there was a demand of rupees ten lacs in ransom from the mobile number in question and prior to the occurrence on mobile number in question he received missed call.

Learned counsel for the petitioner submits that petitioner is in custody since 08.01.2022 and bears criminal antecedent of two cases and both the cases have been registered after the present case. In both the cases, petitioner is not named in FIR and the name of the petitioner came on the confessional statement of the co-accused. It has been further stated that the mobile no. referred in the FIR do not belong to the petitioner or his any family members and at no point of time petitioner made any mobile call, message or voice call on the mobile numbers referred in the FIR. Learned counsel further submits that name of present petitioner has sprang up upon the confessional statement of co-accused Pankaj @ Aryan and except this, nothing is found against the petitioner and he is not named in the FIR. Charge sheet has been submitted in the case



and there is no likelihood of tampering with the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd Jhanjharpur in connection with Phulparas P.S. Case No. 293 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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