

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40568 of 2021**

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

1. MANOJ KAMAT, Son of Jagdish Kamat, Resident of Village - Balua Purarvas, P.S. and District - Supaul
2. Prakash Kumar, Son of Binod Kamat, Resident of Village - Balua Purarvas, P.S. and District - Supaul
3. Pramod Kamat, Son of Jagdish Kamat, Resident of Village - Balua Purarvas, P.S. and District - Supaul
4. Sanjay Kamat, Son of Late Laxmi Kamat, Resident of Village - Balua Purarvas, P.S. and District - Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-02-2022 Learned counsel for the petitioners undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioners and Mr. Mohammad Sufyan, learned APP for the State.

The petitioners in the present are seeking regular bail in connection with Supaul P.S. Case No. 266 of 2020 registered for the offences punishable under Sections 144, 149, 341, 323, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act. The petitioners are in custody since 15.01.2021 and



25.01.2021 respectively. They have otherwise no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story the informant, who is brother of the deceased, saw altogether ten named accused as well as some unknown persons assaulting his brother (since deceased) with Lathi, Danda and rod. The informant claims that while taking his brother to the hospital the brother of the informant disclosed that on the dispute over a drainage the alleged occurrence took place and he specifically alleged that co-accused Binod Kamat had assaulted him by iron rod on the back side of his head as a result whereof he fell down.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the similarly situated co-accused Indrajeet Kamat has been granted bail by this Court vide order dated 31.01.2022 passed in Cr. Misc. No. 38494 of 2021 and the petitioners are in custody since 15.01.2021 and 25.01.2021 respectively.

Mr. Mohammad Sufyan, learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the materials placed before this



Court and the submissions of learned counsel for the petitioners showing that the petitioners stand on similar footing with co-accused Indrajeet Kamat who has been granted bail in Cr. Misc. No. 38494 of 2021 and another co-accused Ranjeet Kamat and Vikash Kumar who have been granted bail in Cr. Misc. No. 41009 of 2020 by a learned coordinate Bench of this Court and there being no dispute on this account raised on behalf of the State and further finding that the petitioners have got no criminal antecedent and they are in custody since 15.01.2021 and 25.01.2021 respectively, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 266 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

The application stands allowed.

(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'.

