

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39639 of 2022

Arising Out of PS. Case No.-79 Year-2019 Thana- LADANIA District- Madhubani

BIRENDRA KAMAT @ BIRENDRA KUMAR KAMAT Son of Ashok
Kamat Resident of village- Marniya, Ps.- Ladaniya, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

The husband of the informant is subjected to assault by means of deadly weapon by the petitioner and others in the garb of crop of the land in question.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there is land dispute between the parties and on that account scuffle took place between them for which case and counter case have been instituted by the parties. He further submits that this



case is the counter blast of Ladaniya P.S. Case No. 78 of 2019 lodged by the wife of the co-accused, Umed Kamat against the family members of the informant. He further submits that both the parties have sustained injuries and they are opined to be simple in nature. He further submits that the co-accused, namely, Umed Kamat @ Umed Lal Kamat and Rabindr Kumar Kamat @ Rabindra Kamat have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.01.2021 and 03.12.2021, respectively passed in Cr. Misc. No. 27346 of 2020 and Cr. Misc. No. 17082 of 2021. Hence, the petitioner may be granted the privilege of anticipatory bail.

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

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ladaniya P.S. Case No. 79 of 2019 corresponding to C.R.I. No. 759 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

brajesh/-

U		T	
---	--	---	--

