

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52563 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

1. LALIT KAMATI son of Bhutta Kamati Resident of Village - Loahna East, P.S. Bhairav Sthan, District - Madhubani.
2. RAJA KAMAT @ RAJ KUMAR KAMATI Son of Kumar Kamati Resident of Village - Loahna East, P.S. Bhairav Sthan, District - Madhubani.
3. DHIRAJ JHA @ DHIRAJ KUMAR MISHRA Son of Govind Mishra Resident of Village - Loahna East, P.S. Bhairav Sthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Sr. Adv. Mr. Shivanandan Bharti, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Petitioners apprehend their arrest in a case registered for offence punishable u/s 341, 323, 379, 385, 387, 337, 504, 506, 34 IPC.

Allegedly, the accused persons named in F.I.R. including the petitioners tried to snatch the motorcycle and in the meantime they snatched money. They also threw bricks and stones upon the informant's house and also threatened him on



phone of dire consequences.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case with oblique motive. The allegations are general and omnibus. There is no specific overt act against the petitioner. No such occurrence, in the manner as alleged, has ever taken place. Nothing has been recovered from possession of the petitioners and the allegation of snatching of golden chain and cash is an ornamental addition. Petitioner no.1 has two criminal antecedent and petitioner nos. 2 & 3 have one criminal antecedent each.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since nothing has been recovered from possession of the petitioners, let the above named petitioners, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bhirav Sthan P.S. Case No.05 of 2021,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the following condition(s):-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police



Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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