

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57433 of 2021**

Arising Out of PS. Case No.-74 Year-2021 Thana- LAKHNAUR District- Madhubani

1. Sanjeev Kamat @ Sanjeev Kumar Kamat S/o Late Bechan Kamat R/o Village-Deep, P.S-Lakhnaur (R.S. O.P.), District-Madhubani.
2. Anil Kamat @ Anil Kumar Kamat S/O Late Bechan Kamat R/O Village-Deep, P.S-Lakhnaur (R.S. O.P.), District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Shubham, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 16-05-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Lakhnaur (R.S. O.P.) P. S. Case No. 74 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on



25.04.2021, while the wife of the informant objected to her co-villager's wife to allow her cow to enter into and graze in her field, thereupon, all the accused persons along with 08 to 10 unknown persons came with *lathi* and *danda* and started assaulting the informant's wife due to which she succumbed to injuries.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against all the accused persons and there is no specific allegation of any overt act levelled against these petitioners. It is further submitted that both these petitioners are college going students and they are in custody since 26.04.2021. It is next submitted that the post mortem report which has been brought on record by way of annexure 3 to this petition also does not support the prosecution case in as much as no external injuries have been found over the body of the deceased. It is also submitted that even during the course of the investigation none of the independent witnesses have supported the prosecution case and moreover, the investigation in the present matter has already been completed and the charge-sheet has been submitted. It is lastly submitted that these petitioners have no criminal antecedent and are in custody since 26.04.2021.



On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that the petitioners are named in the F.I.R. and there is specific allegation against them that they had assaulted the deceased by means of *lathi* and *danda*.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is no specific allegation of any overt act against these petitioners and moreover, the petitioners are college going students and they are in custody since 26.04.2021, having no criminal antecedent. Apart from the fact that the investigation has already been completed and charge-sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Lakhnaur (R.S. O.P.) P. S. Case No. 74 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.



- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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