

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58554 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- LADANIA District- Madhubani

Bind Kamat @ Bind Kumar Son Of Rudal Kamat R/O Village- Motnaza, P.S.-
Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 376, 34 of the Indian Penal Code and Section 4, 8 of POCSO Act.

According to prosecution case, on 16.6.2021 the daughter of the informant Karishma Kumari and Anjana Kumari D/o Bikram Kamat had gone to natural call near pond situated at west his home. When she did not return after lapsed of more time. She was searched and Anjani Kumari she was together with victim girl disclosed the petitioner and others co-accused



were sitting near the pond looking the both girls they started to call victim girl upon which Anjani Kumari escaped due to fear. Thereafter, informant reached near the pond and saw the victim was sitting near bush of pond in nervous situation. She was taken to his house thereafter, she disclosed the name of Ranjit Kumar who caught her arms and said why are not calling on mobile. They were four other co-accused were present there after escaping of Anjana Kumari co-accused namely Ranjit took away the victim in bush binding the mouth. Thereafter, she became senseless it is further alleged that co-accused Ranjit assaulted the victim girl and raped her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of physical assault is against the co-accused namely Ranjit Kamat. He further submits that the statement of the victim girl recorded under Section 164 Cr.P.C. in which the victim has not named the petitioner's name. He further submits that the medical report of the victim also does not suggest any physical assault. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since



14.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Ladaniya P.S. Case No. 176 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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