

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58648 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- GHOGHARDIHA District- Madhubani

1. Shailendra Kamat @ Shailendra Kumar Kamat Son Of Ram Khelawan Kamat R/O Village- Kiratpur Piprauliya, P.S.- Ghoghardiha, District- Madhubani
2. Sanjay Kamat @ Sanjay Kumar Kamat Son Of Ram Khelawan Kamat R/O Village- Kiratpur Piprauliya, P.S.- Ghoghardiha, District- Madhubani
3. Ram Khelawan Kamat Son Of Bikaw Kamat R/O Village- Kiratpur Piprauliya, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-04-2022 Heard counsel for the parties.

The three petitioners are in judicial custody in connection with Ghoghardiha P.S. Case No. 88 of 2021 under Sections 341, 323, 324, 325, 448, 307, 354, 354(B), 379, 427, 504 and 506/34 of the Indian Penal Code.

Specific allegation against the petitioner no.2 is that he inserted a stick inside informant's mouth that led to breakage of his teeth.

Again specific allegation against petitioner no.3 that he gave 'Farsa' blow on the head of the informant.



Considering the nature of assault that has been attributed to the petitioner nos. 2 and 3, this Court is not inclined to grant any relief to them and as such bail application so far as the petitioner no. 2 Sanjay Kamat @ Sanjay Kumar Kamat and the petitioner no. 3 Ram Khelawan Kamat is concerned; the same is rejected.

So far as the role of the petitioner no.1 is concerned, omnibus allegation has been levelled against him that he along with other co-accused attacked the informant with 'Farsa', 'Bhala' and Iron rod.

Taking into account the aforesaid facts, let the petitioner no.1, Shailendra Kamat @ Shailendra Kumar Kamat be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount to the satisfaction of Judicial Magistrate-1st Class, Jhanjharpur, Madhubani, in connection with Ghoghardiha P.S. Case No. 88 of 2021, corresponding to G.R. No. 1113 of 2021 subject to following conditions:

(i) the petitioner shall ensure his presence in the pending trial on each and every date and failure to do so for two consecutive dates without plausible reason, the Trial Court shall cancel his bail;



(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application of petitioner nos. 2 and 3 is rejected while that of petitioner no.1 is allowed.

(Rajiv Roy, J)

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