

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20793 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- BENIPATTI District- Madhubani

ARJUN KAMAT Son of Budhan Kamat Resident of Village - Sarisab, P.S.-
Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandrabhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State through virtual Court

proceedings.

The petitioner seeks bail in a case registered for
the offences punishable under Sections 302, 201 and 120(B)
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 22.09.2021, is a person with
clean antecedent.

The informant alleges that he has two brothers
namely, Rajesh and Rakesh aged about 15 and 10 years and
his mother had left the house about three years back and for
the last 5-6 years, he along with his brother Rakesh are



working in Haryana as labourer and his younger brother Rajesh is staying with the father in the village, it is next alleged that on 19.09.2021, he was informed by some villagers that his father has been killed and his dead body has been thrown in Bakraja River, accordingly, on receiving the information he reached home on 21.09.2021, when Bipat Paswan informed him that on 19.09.2021, his father was killed by the petitioner by assaulting him on his head by a tengari and with an intention to conceal the evidence, the dead body was thrown in the river, thus alleges that his father was killed by the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that if an occurrence had taken place and Bipat Paswan was aware of the occurrence then he ought to have intimated the police at the first instance, but the same was not done which creates doubt with regard to the veracity of the allegation, it is also submitted that the FIR does not disclose as to who informed the petitioner about the murder of his father, it is next submitted that from perusal of the FIR it manifests that the younger brother of



the informant was at home but he did not inform the informant about the occurrence nor the FIR discloses the name of the villager who at the first instance informed the informant about the occurrence. Learned counsel further submits that it absolutely does not stand to reason that as to why Bipat Paswan did not inform the police and the informant, when he was aware that who had committed the occurrence, this amply demonstrates that the petitioner by way of after thought has been implicated, it is next submitted that charge-sheet has been submitted and the petitioner will cooperate in the trial and will not abscond.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) 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 Benipatti P.S. Case No. 210 of 2021.



Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the court below shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

GauravSinha/-

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