

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28192 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- ANDHRATHARHI District- Madhubani

Chhotu Kumar Kamat @ Chhotu Kamat Son Of Late Dhanraji Kamat
Resident Of Village- Dhakajari, Ps- Rudrapur, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.10.2022 in connection with Andhrathadhi P.S. Case No. 147 of 2022, F.I.R. dated 19.10.2022 for the offences punishable under Sections 394 and 411 of the Indian Penal Code.

3. According to prosecution case, the petitioner is alleged to have assaulted, looted the motorcycle and mobile phone of the brother of the informant.

4. 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 the allegation as alleged in the F.I.R., the petitioner has looted a motorcycle and mobile phone of the victim and also that he has assaulted the victim repeatedly by means of knife. He further submits that the allegations as alleged in the F.I.R., are



false and fabricated and the present F.I.R was instituted after a delay of about three days without giving any explanation of delay and after thought, the only intention to implicate the petitioner in the present case. He further submits that nothing incriminating has been recovered from the possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he had assaulted the victim repeatedly by means of knife and on the basis of disposal made by the petitioner, the looted mobile phone has been recovered from the possession of co-accused person. Apart from the aforesaid, the petitioner has confessed his guilt in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Jhanjharpur, Madhubani in connection with



Andhrathadhi P.S. Case No. 147 of 2022,, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Aditi

U		T	
---	--	---	--

