

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45773 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

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SANJEEV KAMAT @ MARSHAL S/O VISHESHWAR KAMAT Resident
of village- Durgauli, P.S.- Benipatti, Distric- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, he is in custody since 14.04.2022 and the informant alleges that on 29.03.2021 at about 1.00 P.M. from a distance of 100-150 meter towards northern direction of the house of Rudra Narayan Das, he heard sound of firing and *hulla* of people, thus, ran towards that direction and reached near the house of Rudra Narayan Das from where he saw Musafir Singh, Bhav Narayan Jha and Ghanshyam



Jha giving orders to the accused persons to kill upon which Praveen Jha and Navin Jha shot at his nephew, Rana Pratap Singh, who fell down and thereafter, accused Shiveshwar Bharti @ Ful Babu tore the stomach of Rana Pratap Singh with *bhujali*. It is next alleged that Chandan Jha, Kaushik Singh, Baban Singh, Munna Singh and Jhunna Singh fired indiscriminately with their individual pistol at his nephew namely, Birendra Singh @ Biru Singh, who was badly injured. It is further alleged that Bhola Singh, Kamlesh Singh, Manoj Jha, Surjeet Singh and Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh fired individually upon his nephew namely, Ranvijay Singh and also assaulted him with iron pipe on account of which, he sustained injury and he died on the spot. It is further alleged that Amarjeet Jha, Ashok Singh, Manoj Singh, Umesh Singh and Mukesh Safi fired individually with their pistols on his nephew Amrendra Singh and also assaulted him with iron pipe on account of which, he also sustained injury. Thereafter, it is alleged that Sujay Safi, Prashant Jha, Vishwajeet Kumar, Anant Choudhary and Ankit Jha assaulted his son namely Manoj Singh with pistol, iron rod and iron pipe on account of which, he received injuries. Thereafter, the injured were brought to Benipatti hospital and all were referred to the D.M.C.H. where during treatment Biru Singh died. Further, it is alleged that two persons had already died at



the spot. Thereafter, it is alleged that the informant came to know that other co-accused persons namely, Rajesh Kumar Jha, Shobha Kant Mehta, Rishikesh Jha @ Raja, Abhishek Kumar Jha, Devendra Nath Thakur and Sunaina Devi had also assembled at the house of his co-villager Ashok Singh and planned a conspiracy and thereafter, the present occurrence was committed.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and it does not appear probable that the informant with such precision could have alleged that who assaulted whom and with what weapon when an occurrence of such magnitude is alleged to have been committed. Learned counsel next submits that name of this petitioner came on the basis of the confessional statement of one Sonu Chaudhary whose confessional statement is recorded at paragraph '91' of the case diary. It has been further submitted that from perusal of the confessional statement of Sonu Chaudhary it would manifest that except for the fact that petitioner was also present, he has not alleged any overt act against him, it is also submitted that one Biku Kumar's confessional statement was also recorded at paragraph '249' of the case diary wherein though he has named some of the accused persons but then he does not name this petitioner.

Learned counsel for the petitioner further submits that



the place of occurrence was a market place and the motorcycle of the petitioner was found at the place of occurrence which also became a ground for raising suspicion against him for participating in the occurrence, it is submitted that several accused persons have been granted regular and anticipatory bail by different co-ordinate Benches, including this Bench, as would be evident from Annexure-2 series. Learned counsel, at the cost of repetition submits that petitioner is a person with clean antecedent and the entire allegation hinges around confessional statement of co-accused in police custody which does not have any evidentiary value.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to 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. 67 of 2021

Further, if the learned trial court comes to a conclusion that the petitioner, after his release, is trying to delay



the trial in any manner, the learned trial court shall be at liberty
to cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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