

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60164 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- CHHATAPUR District- Supaul

1. RAMVILASH KAMAT @ RAMBILASH KAMAT son of Raghuwar Kamat Village- Kamat Kishunganj W.No-15, Chhatapur Rajeshwari OP Dist- Supaul
2. Kusheshwar Kamat son of Late Ramsharan Kamat Village- Kamat Kishunganj W.No-15, Chhatapur Rajeshwari OP Dist- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Chhatapur (Rajeshwari O.P.) P.S. Case No. 149 of 2022 registered for the offences punishable under Sections 147, 148, 149, 447, 323, 307, 427, 504 and 506 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, while the informant was at his door, the petitioners along with ten named accused persons variously armed started abusing and assaulting and threatened of dire consequences if they go on to the field. On alarm when nearby people came to save him, they were



assaulted by means of *lathi, khanti* and *farsa*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a case and counter case between the parties. It is further submitted that there is a delay of eight days in lodging of the FIR and the injuries caused to the injured are simple in nature as recorded in the injury report (Annexure '3' to the anticipatory bail application).

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case, there being a delay of eight days in lodging of the FIR, case and counter case between the parties and Annexure-3 which is the injury report shows that the injuries are simple in nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Chhatapur (Rajeshwari O.P.) P.S. Case No. 149 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Supaul subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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