

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66191 of 2022**

Arising Out of PS. Case No.-42 Year-2019 Thana- MADHEPUR District- Madhubani

Purushottam Kamat @ Prushottam Kumat S/o Kapildeo Kamat @ Kapildev
Kamat R/v- Bheeth Bhagawanpur, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.03.2022 in connection with Madhepur P.S. Case No. 42 of
2019, F.I.R. dated 20.03.2019 for the offences punishable under
Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal
Code.

According to prosecution case, the petitioner gave
dagger blow on the head and cheek of the informant, due to
which he sustained several injuries. It is further alleged that the
other accused persons also started beating him and snatched Rs.



25,000/-, gold chain and one gold ring.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the F.I.R. is in two parts, according to part one, there is general and omnibus allegation against the accused persons including the petitioner and according to part two, there is specific allegation against the petitioner that he gave a dagger blow on head and cheek of the informant. He further submits that the injury report of the informant suggests that the injury no. 1 is grievous in nature and injury no. 2 to 7 are simple in nature. He further submits that from perusal of the injury report it transpires that there is allegation against the petitioner that he gave dagger blow on the head and cheek of the informant but the injury no. 1 suggests that the injury is caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that out of 5 cases he is on bail in 3 cases.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- II, Jhanjharpur, District- Madhubani in connection with Madhepur P.S. Case No. 42 of 2019, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

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