

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68438 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- GHOGHARDIHA District- Madhubani

1. Ram Khelawan Kamat S/o Vikau Kamat R/o Village- Kiratpur Piprauliya, P.S.- Ghoghardia, Distt- Madhubani.
2. Sanjay Kamat @ Sanjay Kumar Kamat S/o Ram Khelawan Kamat R/o Village- Kiratpur Piprauliya, P.S.- Ghoghardia, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners are in judicial custody in connection with Ghoghardiha P.S. Case No. 88 of 2021 corresponding to G.R. No. 1113 of 2021 for the offences under Sections 341, 323, 324, 325, 448, 307, 334, 354(B), 379, 427, 504, 506/34 of the Indian Penal Code.

As per the prosecution story, the allegation against the petitioners was/were of assaulting on the vital parts of the informant which necessitated the rejection of the bail application earlier in Cr. Misc. No.58648 of 2021 on 13.4.2022.

In this case, on 7.12.2022, report was called for. As per the report dated 22.12.2022 submitted by the learned trial Court, charges have been framed, summons issued and the case



is posted for prosecution evidence.

Learned counsel for the petitioners submit that he has already remained in custody since 6.7.2021 and is ready to abide by all the terms and conditions, if granted relief. The petitioners further undertake to appear on each and every date in the trial will further mark their attendance every month before the concerned police station till the conclusion of the trial.

The learned APP on the other hand opposed the prayer.

Taking into account the fact that the petitioners have remained in custody since 6.7.2021 and further undertake to cooperate in the trial, this Court is inclined to grant them the privilege of bail with the condition that failure to appear even once in the trial without plausible reasons, the learned trial Court would take steps for cancellation of the bail bonds of the accuseds concerned.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani, in connection with Ghoghardiha P.S. Case No. 88 of 202 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear before the concerned police station every month till the conclusion of trial;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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