

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35572 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- ARER District- Madhubani

Rahul Kamat Son of Bimnesh Kamat @ Vivnesh Kamat Resident Of Vill.-
Dhanga East, P.S.- Arer, Dist.-Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Arer P.S. Case No. 23 of 2024 registered on for the alleged offence under Sections 341, 323, 353, 427, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, police received information about some anti-social elements entering the house of Rozi Kumari and assaulting and misbehaving with her mother and sister. When the police reached at the spot, the petitioner and two other co-accused persons, who were assaulting Rozi Kumari and her mother and sister attacked the police party and snatched their mobile and firearms and



damaged the police vehicles.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that 12 persons have been named in the FIR along with 25 unknown persons. The petitioner is merely a co-villager of Rozi Kumari and some altercation took place between agnates of Rozi Kumari and her family and petitioner and others went there to pacify the matter and merely on suspicion, the petitioner has been named in this case. The prosecution story is not believable and no information of mobiles and weapons has been given, which were stated to be snatched by the miscreants. Further, there is no specific allegation of any overt act against the petitioner, who has been named in this case along with more than 35 persons. Learned counsel further submits that rejection order also mentions the fact that no serious injuries were found on the victims and injuries were found to be simple in nature. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioner and others attacked the police party and snatched their weapons and mobile phones.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the probability of false accusation along with clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipatti, Madhubani/concerned court in connection with Arer P.S. Case No. 23 of 2024 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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