

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39752 of 2024

Arising Out of PS. Case No.-147 Year-2021 Thana- LAUKAHA District- Madhubani

1. Haridev Kamat S/O Shobhit Lal Kamat, R/O Village- Paroriyahi, P.S-
Ladaniya, Distt.- Madhubani.
2. Ras Lal Kamat S/O Late Domi Kamat, R/O Village- Paroriyahi, P.S-
Ladaniya, Distt.- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Jitendra Bharti, Advocate

For the Opposite Party : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Jitendra Bharti, the learned counsel for

the petitioners and Mr. Bhanu Pratap Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Laukaha (Lalmaniya) PS Case No. 147 of

2021, FIR dated 15.05.2021, registered for the offences

punishable under Sections 147, 149, 341, 323, 325, 379, 504

and 506 read with Section 34 of the Indian Penal Code.

However, the police after investigation has submitted

chargesheet against the petitioners under Sections 147, 149, 341,

323, 324, 308, 504 and 506 read with Section 34 of the Indian

Penal Code.



3. According to the prosecution case, the FIR named accused persons assaulted the informant and one Haridev Kamat assaulted the informant by means of *farsa* causing head injury due to which blood started oozing out and the informant fell unconscious on the ground. It is further alleged that when Naresh Kumar Mandal came upon the rescue of the informant, then Ras Lal Kamat assaulted on his head by means of *farsa*. It is further alleged that the accused persons snatched a golden chain from the neck of Naresh Mandal worth Rs. 50,000/- (Rupees fifty thousand).

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although there is specific allegation against these petitioners that they have assaulted to Naresh Mandal upon his head and although Naresh Mandal has received injuries, but the injury report of Naresh Mandal suggests that injury is simple in nature, caused by sharp cutting object.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and mainly the facts that petitioners have clean antecedent and the injury report of the injured person suggests that injury is simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani, where the case is pending in connection with **Laukaha (Lalmaniya) PS Case No. 147 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial



Court 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 learned trial Court 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.

(Rajesh Kumar Verma, J)

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