

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46004 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- JHANJHARPUR District- Madhubani

Mukesh Kamat @ Mukesh Kumar Son of Janak Kamat R/O Vill.- Simara,
P.S.- Jhanjharpur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jaishankar Kumar Yadav, Adv

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard Mr. Jaishankar Kumar Yadav, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jhanjharpur P.S. Case No. 222 of 2023 registered under Sections 448, 341, 323, 307, 427, 504, 34 of the Indian Penal Code lodged on 13.11.2023 by the informant, Arun Kumar Das.

3. As per the prosecution story, the informant alleged that when Janak Kamat entered his house armed variously along with sons, Shubhankar Kamat and Mukesh Kamat, the petitioner herein on the order of Janak Kamat, the two accused assaulted on the head of his son, Sandeep Kumar, causing injury.

4. Learned counsel for the petitioner submits that to the best of his knowledge, only one injury has been found on the head of the son of the informant, Sandeep Kumar which has been opined to be simple in nature. As such, the allegation



falsifies.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the injury has been made on the head.

6. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner that only one injury has been found and the same is simple in nature as also he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. If, however, it is found that the two-fold submissions put forward by the learned counsel for the petitioner that only one injury has been found on the head and the same has been opined to be simple in nature is/are incorrect statement, the order shall become infructuous.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Jhanjharpur (Madhubani) in connection with Jhanjharpur P.S. Case No. 222 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.



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

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

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

(Rajiv Roy, J)

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