

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55074 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- Baijnathpur District- Saharsa

1. Ram Vilash Kamti @ Driver Kamti SON OF SRI BHAVESH KAMTI @ BHAGESHWAR KAMTI VILLAGE- DHANCHHOHA (WARD NO. 10) PS- BAIJNATHPUR, DIST- SAHARSA
2. OM PRAKASH KUMAR @ OM PRAKASH KAMTI @ AZAD KAMTI SON OF SRI BHAVESH KAMTI @ BHAGESHWAR KAMTI VILLAGE- DHANCHHOHA (WARD NO. 10) PS- BAIJNATHPUR, DIST- SAHARSA
3. DINKAR KAMTI @ DINKAR KUMAR SON OF SRI RAM VILASH KAMTI @ DRIVER KAMTI VILLAGE- DHANCHHOHA (WARD NO. 10) PS- BAIJNATHPUR, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Baijnathpur P.S. Case No. 16 of 2024 for the offence under Sections 341, 323, 324, 307, 448, 385, 504, 506 and 34 of the I.P.C. lodged on 28.03.2024 by the informant, Amrendra Kumar Singh.

3. As per the prosecution story, the informant alleged that while he was sitting at his door, the accused persons came and on the direction of the petitioner no. 1, the petitioner no. 2 assaulted causing injury on the head. Further, the petitioner number one also gave injury on the nose. Later, it is a alleged



that Bhavesh Kamti ordered to kill the informant thereafter Dinkar Kamti (petition no. 3) and Suman Kamti also assaulted causing injury on the left hand. As the villagers came, they left but not before snatching some amount. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter-case, injuries are there on both the sides. Further, though they have assigned the reason, no reason has been assigned by the informant's side. He has taken this Court to the injury report (Annexure-3) to show that both the injuries sustained by the informant have been found to be simple in nature, none of them have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute Rs. 5,000/- towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer stating that both the petitioner nos. 1 and 2 assaulted the informant.

6. Considering the aforesaid submission as also that



the allegation of assault is there but the injuries have been found to be simple in nature, there is case and counter-case and none of them have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioners to be paid by the Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Baijnathpur P.S. Case No. 16 of 2024 subject to the conditions 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 petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

