

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56168 of 2024**

Arising Out of PS. Case No.-136 Year-2024 Thana- MADHEPURA District- Madhepura

Gaurishankar Kamat Son of Satyanarayan Kamat Resident of Vill- Goth,  
Bardaha, Ward No. 02, P.S.- Madhepura (Parmanand OP), District -  
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Suman Kumar Jha, Advocate   |
| For the Opposite Party/s | : | Mr. Sunil Kumar Pandey, APP     |
| For the Informant        | : | Mr. Uday Chand Prasad, Advocate |
|                          |   | Mr. Pooja Prasad, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      26-10-2024                      Heard learned counsel for the petitioner and learned  
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Madhepura (Parmanandpur OP) P.S. Case No. 136 of 2024, registered for the alleged offences under Section 365 of the Indian Penal Code and later or added Section 302 of the Indian Penal Code.

03. As per prosecution case, the husband of the informant was called out by the petitioner and co-accused and they took him towards a brick kiln. The husband of the informant did not return and subsequently his dead body was found.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner had a friendship with husband of the informant but he had no enmity with him and both of them worked at the same brick kiln for quite long time. During investigation, the police has analyzed the CCTV footage and from the said footage, it appears that the husband of the informant was with one Rudhan Kamat and he was falling from the motorcycle and Rudhan Kamat was trying to get him up. Even from the statement of the witnesses recorded during investigation, it has come that the deceased has enmity with another person but not with this petitioner. The dead body of the husband of the informant was found near the bank of Tilabe river in drenched condition and in the postmortem report, it has come that no external injury was found on the dead body and the death was caused due to asphyxia by drowning. Without any material, the charge-sheet has been submitted by the police under Section 365, 302, 201/34 of IPC against the petitioner and others. The petitioner is in custody since 17.02.2024 he has got no criminal history.

05. Learned APP for the State as well as learned counsel for the informant oppose the prayer for bail. Learned counsel for the informant submits that the petitioner has been



named in the FIR and it has come during investigation that the deceased was part of a *Panchayati* which took place between some persons in which the victim lady was allowed the cost of Rs. 5,000/- for her treatment and being a part of the said *Panchayati*, the deceased was threatened by the persons on whom the said cost was imposed and the petitioner is an associate of the said persons.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and further considering the distinct lack of substantive material to connect the petitioner with the offences as alleged and further considering the period of custody of the petitioner, his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/court concerned in connection with Madhepura (Parmananpur OP) P.S. Case No. 136 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Ashish/-

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