

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65885 of 2024

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

1. Raj Lal Kamat S/o- Ram Dutt Kamat Village- Paroriyahi, P.S. Ladaniya, District-Madhubani
2. Niranjana Kamat Son of Jay Lal Kamat Village- Paroriyahi, P.S. Ladaniya, District-Madhubani
3. Ram Babu Kamat Son of Ras Lal Kamat Village- Paroriyahi, P.S. Ladaniya, District-Madhubani
4. Ram Nath Kamat Son of Ras Lal Kamat Village- Paroriyahi, P.S. Ladaniya, District-Madhubani
5. Barish Lal Kamat Son of Ras Lal Kamat Village- Paroriyahi, P.S. Ladaniya, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Bharti, Advocate
	:	Ms. Nitu Kumari, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-12-2024 Heard Mr. Jitendra Bharti, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Laukaha (Lalmaniya) P.S. Case No. 147 of 2021, F.I.R. dated 15.05.2021 for the offences punishable under Sections 147, 149, 341, 323, 325, 379, 504, 506 and 34 of the Indian Penal Code. However, the police after investigation submitted the charge-sheet against the petitioners under Sections



147, 149, 341, 323, 324, 308, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted to the informant & his co-villagers due to which they received injuries.

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 from a bare perusal of the FIR it appears that the FIR is in two parts in the first part, there is specific allegation is assault is attributed against the co-accused persons, namely, Haridev Kamat and Ras Lal Kamat and in the second part, there is general and omnibus allegation against the petitioners and other co-accused persons. He further submits that although Naresh Mandal has received the injury but the injury report of the Naresh Mandal suggests that the injury is simple in nature caused by sharp cutting objects. He further submits that co-accused persons, namely, Haridev Kamat & Ral Lal Kamat have also been granted the privilege of anticipatory bail by this Court vide order dated 10.07.2024 passed in Cr. Misc. No. 39752 of 2024.

5. 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, petitioners have clean antecedent, there is no specific allegation of any assault or overt act against these petitioners and the co-accused persons have already been granted the privilege of anticipatory bail by this Court, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds 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., I, Jhanjharpur in connection with Laukaha (Lalmaniya) P.S. Case No. 147 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

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 court below 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 court below shall take step for cancellation of bail bonds 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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