

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79055 of 2024

Arising Out of PS. Case No.-282 Year-2021 Thana- ROSERA District- Samastipur

1. Kaushal Kumar @ Kaushal Kumar Kamti @ Kailash Kumar @ Bajrangi Kamti S/O Kailash Kamti R/O Village- Kariyan, P.S- Rosera, Distt.- Samastipur, Bihar.
2. Jito Kamti @ Jitu Kamti S/O Milan Kamti R/O Village- Kariyan, P.S- Rosera, Distt.- Samastipur, Bihar.
3. Ashok Kamti S/O Ganga Kamti @ Late Gango Kmati R/O Village- Kariyan, P.S- Rosera, Distt.- Samastipur, Bihar.
4. Hare Ram Kumar @ Hare Ram Kamti S/O Ashok Kamti R/O Village- Kariyan, P.S- Rosera, Distt.- Samastipur, Bihar.
5. Kailash Kamti S/O Juge Kamti R/O Village- Kariyan, P.S- Rosera, Distt.- Samastipur, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and Mr. Raj Kishor Singh, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Rosera P.S. Case no. 282 of 2021 instituted for the offence under Sections 447, 341, 323, 354, 307, 379, 504, 506 and 34 of Indian Penal Code.

3. The case of the prosecution is that all the petitioners arrived at the door of the informant and started



abusing him and assaulted him with Lathi, Iron Rod and Farsa. It is further alleged that Jeetu Kamati assaulted with Iron Rod on the forehead of the informant due to which he fell down and other petitioners assaulted with Lathi, Farsa with a view to commit murder of the informant.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is submitted by learned counsel for the petitioners that the occurrence was of 31.08.2021 whereas the FIR was lodged on 07.09.2021. There is delay of 7 days in filing the FIR which is unexplained. It is submitted that police submitted the charge sheet and from perusal of the charge sheet, it is clear that police has found that the injuries were caused by hard and blunt substance. It is also submitted that in this context learned trial Court has taken cognizance. It has also come in the impugned order of the trial court that parties have filed a compromise petition.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners and submitted that cognizance is of no material for considering bail.

6. Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Rosera P.S. Case No. 282 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rupees ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned A.C.J.M 1, Rosera subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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