

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77304 of 2023**

Arising Out of PS. Case No.-181 Year-2022 Thana- BHAIKAVSHTHAN District-  
Madhubani

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Arvind Kamat @ Arvind Kumar @ Arbind Kumar Son of Surya Narayan  
Kamat @ Sury Narayan Kamat, R/O Village- Mujiyasi, P.S.- Ghoghardiha,  
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate  
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-04-2024                      Heard Mr. Jitendra Kumar Bharti, the learned  
  
counsel for the petitioner and Mr. Bhanu Pratap Singh, the  
  
learned Additional Public Prosecutor for the State.

2.                      Petitioner seeks regular bail who is in custody since  
  
04.10.2022 in connection with Bhairavshthan P.S. Case No. 181  
  
of 2022, FIR dated 28.09.2022, registered for the offences  
  
punishable under Section 302 read with Section 34 of the Indian  
  
Penal Code and under Section 27 of Arms Act.

3.                      According to the prosecution case, the accused  
  
person shot the son of the informant and then then he along with  
  
another accused fled away on motorcycle and the brother of the  
  
informant namely, Ramkhelawan Sah saw the two miscreants  
  
fleeing away. It is further alleged that the son of the informant

succumbed to injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the petitioner is not named in the FIR and his name has transpired on the basis of call data record (CDR) location suggesting that the petitioner was present at the place of occurrence and apart from that one co-accused who was arrested on the basis of CDR location namely, Ranjay Yadav, and he has confessed that the petitioner was also involved in the present occurrence and thereafter the petitioner was apprehended and he has also confessed guilt in the present occurrence. He further submits that except the aforesaid, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that the co-accused person namely, Ranjay Yadav has been granted regular bail vide order dated 28.07.2023 passed in Cr. Misc. No. 35776 of 2023 and the police after investigation has submitted chargesheet and the petitioner is in judicial custody since 04.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances

and the fact the petitioner has clean antecedent, his name has transpired on the basis of the confessional statement of the co-accused person, who later confessed his guilt and who has also been granted regular bail, and the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur, District-Madhubani, in connection with **Bhairavshthan P.S. Case No. 181 of 2022**, subject to the following conditions:

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

(ii). If the petitioner tampers 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 trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his

criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. 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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