

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42473 of 2025

Arising Out of PS. Case No.-154 Year-2024 Thana- PHULPARAS District- Madhubani

1. Rampravesh Kamat S/O Dallu Kamat Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani
2. Kari Kamat S/O Late Nathuni Kamat Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani
3. Rajkant Kamat S/O Ratan Kamat Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani
4. Rohit Kamat @ Rohit Kumar S/O Kari Kamat Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani
5. Prakash Kamat @ Jai Prakash Kamat S/O Dallu Kamat Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Phulparas P.S. Case No. 154 of 2024 lodged on 26.04.2024, for the offence punishable under Sections 447, 504, 448, 323, 324, 307, 379, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons (all present petitioners) against whom there is an allegation that they all with common intention have assaulted the informant with iron rod due to which injury has been caused. It has also been alleged that the accused



persons have looted cash of Rs.5,000/- and some jewelries from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that both the parties are co-villagers and on petty matter, dispute has arisen between them. Counsel submits that for the same date and place of occurrence, there is a case and counter case i.e. one case has been lodged from the petitioners' side bearing Phulparas P.S. Case No. 155 of 2024 and the present case has been lodged from the informant's side bearing Phulparas P.S. Case No. 154 of 2024. Counsel submits that the injury report has been attached as Annexure-3 which shows that the injuries are simple in nature. Counsel submits that the investigation has been completed and after investigation, police has submitted charge-sheet under sections 341, 323, 504, 506 & 34 of the I.P.C and the Court of A.C.J.M-II has taken cognizance under sections 341, 323, 307, 504 & 506 of the I.P.C. against all the accused persons *vide* order dated 21.12.2024. Counsel further submits that petitioner nos.3 and 5 have no criminal antecedent, whereas, petitioner nos.1, 2 and 4 have one criminal antecedent, but name of petitioner no.1 has been dropped in the charge-sheet.



5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that for those sections in which charge-sheet has been submitted were bailable in nature, but due to addition of section 307 of the I.P.C, it becomes non-bailable and it is due to this reason, petitioners have preferred anticipatory bail before this Hon'ble Court.

6. As such, in the present facts and circumstances of this case considering that the police has submitted charge-sheet in bailable offence, but court has taken cognizance under section 307 in addition to above mentioned sections as well as considering that for the same date and place of occurrence, there is a case and counter case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of A.C.J.M.-II, Jhanyharpur, in connection with Phulparas P.S. Case No. 154 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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