

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38735 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- KAMTAUL District- Darbhanga

Sudhakar Bhardwaj @ Sudhakar Kumar Bhardwaj @ Sudhakar Kumar Son
Of Late Mukesh Thakur R/O Village- Brahampur (WEST), Ward No.-05,
P.S.- Kamtaul, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 394 of the
Indian Penal Code and Section 27 of the Arms Act, in
connection with Kamtaul P.S. Case No. 28 of 2021.

As per the prosecution story, the informant
alleged that while he was closing his shop, the accused
persons came and attempted to snatch the bag containing Rs.
1,75,000/- and upon protest, they opened fire causing injury
in his thigh. Accordingly, FIR was registered. Subsequently,



during the investigation, the name of the petitioner cropped up as the person who worked as a liner, giving necessary information to the other accused persons.

Learned counsel for the petitioner submits that for the said act, he has already suffered by being in custody since 24.6.2021 although nothing has been recovered from his possession nor he has been put in Test Identification Parade.

Considering the fact that he is in custody since 24.6.2021, the charge-sheet stands submitted, nothing has been recovered from his conscious possession nor Test Identification Parade has been done, this Court is inclined to grant him the privilege of bail after framing of the charge with condition in view of the fact that he has nine criminal cases under his belt.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Darbhanga, in connection with Kamtaul P.S. Case No. 28 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his/her district(..) for a period of ... months(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he/she will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.



Before parting, this Court would like to record its word of appreciation for Mr. Arvind Kumar, learned counsel for the petitioner for the proper assistance.

(Rajiv Roy, J)

Ravi/Ajay Singh

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