

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44689 of 2022

Arising Out of PS. Case No.-195 Year-2020 Thana- SINGHWARA District- Darbhanga

**BALKISHNA BHARDWAJ @ BALAJEE SON OF MANOJ KUMAR
THAKUR R/O VILLAGE- RATANPUR, P.S.- KAMTAUL, DISTRICT-
DARBHANGA**

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Singhwara P.S. Case No. 195 of 2020 registered for the offences
punishable under Sections 399, 402, 414, 120(B) of the Indian
Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, one loaded country made
pistol, one live cartridge and one motorcycle were recovered
from possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.10.2020 and bears criminal
antecedent of six cases. He further submits that petitioner is



quite innocent and committed no offence as alleged in the FIR and he has falsely been implicated in the present case. Seizure list has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner on the ground of his criminal antecedent.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Singhwara P.S. Case No. 195 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions enumerated above, the trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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