

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68478 of 2022

Arising Out of PS. Case No.-269 Year-2020 Thana- KAMTAUL District- Darbhanga

SUDHAKAR BHARDWAJ S/O Late Mukesh Thakur R/O Village-
Brahmapur, P.S- Kamtaul, District- Darbhanga Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Jyoti Ranjan Jha, Advocate
For the Opposite Party/s : Ms. Anita Kumari, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Kamtaul P.S. Case No. 269 of 2020 registered for the offence(s)
punishable under Section(s) 399, 402, 120(B) of the Indian
Penal Code.

As per the prosecution, the police personnel on secret
information apprehended co-accused Girish Jha while preparing
to commit loot, who disclosed the name of this petitioner and
his other associates who are alleged to be indulged in
committing loot.

The main submissions advanced by the learned Sr.
counsel for the petitioner are that as per the prosecution's story,
the accused persons assembled at the alleged place to commit



the offence of loot with the visitors or people on the occasion of *Chhath* Puja and the police reached at the spot but the petitioner was not apprehended at the place where accused persons are stated to have assembled and the petitioner's name surfaced in the statement of apprehended co-accused Girish Jha and except said statement given before the police by co-accused Girish Jha there is no any other material to connect the petitioner to the alleged occurrence and accordingly despite of having no legal evidence against the petitioner, he has been languishing in jail since 24.06.2021 in the present matter and though against him, there are criminal antecedents of several cases but he is on bail in all the said cases.

Though learned APP appearing for the State has opposed the bail prayer but fairly accepted that against the petitioner the only material is the statement of co-accused who was apprehended at the spot and petitioner has criminal antecedent of several cases.

In view of the facts, as stated above, and mainly considering the fact that in respect of the petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the statement of apprehended co-accused and also taking into account the petitioner's custody period, in the



opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Kamtaul P.S. Case No. 269 of 2020.

(Shailendra Singh, J)

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