

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26099 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- KAMTAUL District- Darbhanga

Manish Kumar @ Manish Raut aged about 20 years (Male) S/O Ganesh Raut,
Residence of Vill/ Muhalla- Ratanpur, P.S- Kamtaul, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Kedar Jha, learned counsel appearing on
behalf of the petitioner and Mr. Jagdhar Prasad, learned APP for
the State.

2. The petitioner seeks pre-arrest bail in connection
with Kamtaul P.S. Case No. 208 of 2023, registered for the
offence punishable under Sections 399, 402, 307, 120B, 201 of
the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, on the basis
of secret information, a raid was conducted where some
miscreants including the petitioner, were planning to commit
crime, in which, the raiding team had apprehended one co-
accused Sivam Kumar, who had disclosed the name of the
petitioner.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner has surfaced on the basis of confessional statement made by one co-accused Sivam Kumar, in police custody, which has no evidentiary value in the eye of law. In any manner, petitioner is not concerned with the alleged occurrence. Allegation of using fire-arm is against co-accused Sivam Kumar, in which co-accused Rajesh Kumar had sustained fire-arm injury in his abdomen. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid facts and circumstances of the case, learned District Court is directed to call for the case diary and verify the statement as has been recorded hereinabove on behalf of the petitioner and if it is found that petitioner has not assaulted anyone or he had not fired in the abdomen of Rajesh Kumar, then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate Ist Class, Darbhanga, in connection with Kamtaul P.S. Case No. 208 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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