

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29459 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- RAUTARA District- Katihar

Laxman Mandal S/O Bahadur Mandal R/O Mohalla- Rautara, Ward No. 04,
P.S- Rautara, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29790 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- RAUTARA District- Katihar

Bikki Kumar Swarnkar @ Bikki Kumar S/o Nandlal Swarnkar @ Nadkisor
Swarnkar R/o Mohalla- Rautara, ward no. 04, P.S. - Rautara, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29459 of 2024)
For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 29790 of 2024)
For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner of first case and second case seeks
regular bail in connection with Rautara P.S. Case No. 117 of
2023, lodged on 10.12.2023 under Sections 302, 120(B), 34 of
the Indian Penal Code.



3. As per the prosecution case, FIR has been lodged against four named accused persons including the present petitioner of second case i.e. Cr. Misc. No.29790 of 2024 and two unknown persons also against whom there is an allegation that they have killed the informant's son.

4. Learned counsel for the petitioner of first case submits that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner of first case i.e. Cr. Misc. No.29459 of 2024 is not named in the FIR, rather, his name has come in this case by the re-statement of the informant and strong suspicion has been caused against petitioner of first case and he is not involved in the present crime. Counsel further submits that the criminal antecedent of the petitioner of first case is clean and he is in custody since 11.12.2023 and charge-sheet has already been filed in this case.

5. Learned counsel for the petitioner of second case submits that the name of the petitioner of second case i.e. Cr. Misc. No.29790 of 2024 is there in the FIR. Counsel also submits that the muffler of the petitioner of second case was recovered from the place of occurrence. Counsel further submits that the criminal antecedent of the petitioner of second case is clean and he is in custody since 11.12.2023.



6. Upon specific query of the Court from the counsel for petitioners that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case, but commitment has taken place.

7. Learned APP for the State opposes the prayer for bail of the petitioners of both the cases.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner of first case i.e. Cr. Misc. No.29459 of 2024 be granted bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Court No.1, Katihar in connection with Rautara P.S. Case No. 117 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

9. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner of second case i.e. Cr. Misc. No.29790 of 2024.

10. Accordingly, the prayer for regular bail of the petitioner of second case in connection with Rautara P.S. Case No. 117 of 2023, pending before the learned Judicial Magistrate 1st Class, Court No.1, Katihar is **hereby rejected**.

11. Liberty is hereby granted to the petitioner of



second case that he may renew his prayer for bail nine months
after framing of charge, if trial shall not be concluded.

(Dr. Anshuman, J.)

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