

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37704 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- KAMTAUL District- Darbhanga

Chandan Yadav Son of Ashok Yadav @ Ashok Kumar Resident of village -
Madhopatti, P.S. - Kamtaul, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49533 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- KAMTAUL District- Darbhanga

Imran Khan @ Kalu S/o Md. Nazir Khan Resident Of Village Mohammadpur,
P.S. - Kamtaul, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37704 of 2024)

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Zainul Abedin

(In CRIMINAL MISCELLANEOUS No. 49533 of 2024)

For the Petitioner/s : Mr. Baidyanath Prasad

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2024

CRIMINAL MISCELLANEOUS No.37704 of 2024

1) Heard learned counsel for the petitioner as well as
learned APP for the State.

2) The petitioner seeks bail in a case registered for the



offences punishable under Sections 395, 397 of the Indian Penal Code.

3) The learned counsel for the petitioner submits that the petitioner has antecedent of six cases and is in custody since 30.01.2024 and the informant alleges that on 10.01.2024 he had gone to Bazaar Samiti, Darbhanga for purchasing goods for his shop, further when he was returning after buying the goods on his motorcycle at 3 pm, when he was intercepted by Chandan, Durgesh, Pankaj and Aman along with 5-6 unknown accused persons, further the accused persons started abusing him, it is next alleged that Chandan assaulted him by a Steel rod, causing injury near his eyes and on account of assault, he fell, thereafter, Durgesh and Pankaj started strangulating him by a towel and Aman took out Rs. 40,000/- from his pocket, on alarm, villagers gathered when accused fled and Chandan while fleeing, fired.

4) The learned counsel for the petitioner submits that the petitioner has been falsely implicated, on account of previous enmity. It is next submitted that though it is alleged that the petitioner assaulted by a Steel rod, causing injury near eyes of the informant but then from the perusal of the order impugned, it would manifest that the same record that injury report was not made available in the case diary. It is thus



submitted that had the informant been assaulted in the manner as alleged, in that event, the injury report would have been available in the case diary. It is also submitted that as far as allegation of strangulating and snatching Rs. 40,000/- from his pocket is alleged, the same is ornamental in nature.

5) The learned APP for the State vehemently opposes the regular bail application and submits that petitioner has antecedent of six cases out of which, four cases are of serious nature. It is further submitted that there is a specific allegation against this petitioner of assaulting the informant with a view to commit loot. It is next submitted that this petitioner is also alleged to have fired, while fleeing and from perusal of the order impugned, it would manifest that the same records that from the place of occurrence, one empty cartridge was recovered, which for the present connects the petitioner with the offence. On query of the Court, that as to whether, charges have been framed or not. The learned counsel appearing on behalf of the petitioner fairly submits that charges till date has not been framed.

6) Considering the submissions made by the learned APP, and taking into consideration the fact that petitioner has antecedent of six cases, the court is not inclined to release the petitioner on bail.



7) However, the petitioner will be at liberty to renew his prayer for bail after framing of charge.

8) The application stands rejected.

CRIMINAL MISCELLANEOUS No. 49533 of 2024

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 27 of the Arms Act.

3. The counsel for the petitioner submits that the petitioner has antecedent of seven cases and is in custody since 27.03.2024. It is next submitted that the informant alleges that on 10.01.2024 he had gone to Bazaar Samiti, Darbhanga for purchasing goods for his shop, further when he was returning his home after buying the goods on his motorcycle at 3 pm, then he was intercepted by Chandan, Durgesh, Pankaj and Aman along with 5-6 unknown accused persons, further the accused persons started abusing him, it is next alleged that Chandan assaulted him by a Steel rod, causing injury near his eyes and on account of assault, he felt, thereafter, Durgesh and Pankaj started strangulating him by a towel and Aman took out Rs. 40,000/- from his pocket, on alarm, villagers gathered when accused fled and Chandan while fleeing, fired.



4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioner is not named in the FIR. It is next submitted that the petitioner came to be implicated, based on confessional statement of Aman and thereafter he was remanded in the instant case from Kamtaul P.S. Case No. 66 of 2024. It is also submitted that the petitioner has remained in custody for more than six months but till date has not been put on TIP. It is also submitted that informant specifically named the accused persons in the FIR, but petitioner was not named.

5. The learned APP for the State vehemently opposes the regular bail of the petitioner and submits that the petitioner appears to be a dreaded criminal. It is also submitted that though petitioner is not named in the FIR, but then from perusal of the FIR, it would manifest that that informant alleges that he was intercepted by named accused persons including Aman. It is thus submitted that since informant was not knowing the petitioner from before, as such, he was not named, though informant in the FIR has alleged that he was intercepted by named accused persons along with 5-6 unknown accused, as such, the petitioner was part of unknown accused persons. It is also submitted that petitioner was assaulted by Chandan Yadav



by a Steel rod near his left eye, and thereafter, Rs. 40,000/- was looted by Aman.

6. At this Stage, the learned counsel appearing on behalf of the petitioner submits that informant on coming to know about the implication of the petitioner has filed a compromise petition before the learned trial court stating therein that petitioner was not involved in the occurrence on which the learned APP submits that this amply demonstrates that the petitioner is a dreaded criminal and he forced the informant to enter into a compromise. It is next submitted that from pleadings made in the bail application, it would manifest that the same does not disclosed that since when petitioner was in custody in connection with Kamtaul P.S. Case No. 66 of 2024. It is thus submitted that the date of occurrence of the instant FIR is 10.01.2024 and since the date of detention of petitioner in Kamtaul P.S. Case number is not mentioned in the bail application, as such, it would be presumed that on the date of occurrence, when the instant FIR was instituted, the petitioner was not behind bars in connection with Kamtaul P.S. Case No. 66 of 2024. On query of the Court that as to whether charges have been framed against the petitioner or not.

7. The learned counsel appearing on behalf of the



petitioner fairly submits that till date charges have not been framed.

8. Considering the submission made by the learned APP, and taking into consideration the fact that petitioner has antecedent of seven cases, the court is not inclined to release the petitioner on bail however, the petitioner would be at liberty to renew his prayer for bail after framing a charge.

9. **The application stands rejected.**

(Satyavrat Verma, J.)

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