

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58891 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- KAMTAUL District- Darbhanga

Md. Shamsher Son of Late Md. Lal @ Md. Lallu Resident of Village -
Katrahiya, P.S. - Sadar, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Kamtaul P.S. Case No.
66 of 2024, instituted for the offences punishable under Sections
399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-
B)a, 26/35 of the Arms Act.

3. The prosecution case, in short, is that, on the basis
of secret information that some miscreants are planning to
commit dacoity, raided the place of occurrence and apprehended
accused persons. The apprehended accused persons disclosed
the presence of other miscreants at other locations and, based on
their disclosures, other accused persons were also apprehended
including this petitioner. On search, various arms and



ammunition were recovered from accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not arrested from the spot. Name of the petitioner has transpired on the basis of confessional statement of co-accused persons and the same has got no evidentiary value. One mobile phone was recovered from the possession of the petitioner which belongs to him. The petitioner is in custody since 09.03.2024 and has got seven criminal antecedents in which he is on bail. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 02.08.2024 passed in Cr. Misc. No. 29285 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined



to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kamtaul P.S. Case No. 66 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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