

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59433 of 2024**

Arising Out of PS. Case No.-93 Year-2024 Thana- KAMTAUL District- Darbhanga

Balkrishna Bhardwaj @ Balajee Son of Manoj Thakur @ Manoj Kr Thakur
@ Manoj Kumar Thakur R/O Vill.- Ratanpur Abhiman, P.S.- Kamtaul, Dist.-
Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kamtaul P.S. Case No.
93 of 2024, instituted for the offences punishable under Sections
25(1-B)a, 26 & 35 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of double barrel gun from the house of co-accused
Vivek Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submitted that the raided house does not



belong to the petitioner. The said house belongs to co-accused Vivek Kumar. The petitioner has got no concern with the recovered gun. The petitioner is in custody since 11.04.2024 and has got twelve criminal antecedents. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 10.07.2024 passed in Cr. Misc. No. 48362 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. 93 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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