

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63532 of 2024

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

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Balkrishna Bhardwaj @ Balajee @ Shivam Kumar @ Bal Krishna Thakur
Manoj Thakur @ Manoj Kr Thakur @ Manoj Kumar Thakur Village-
Ratanpur Abhiman Ps- Kamtaul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar, Adv

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kamtaul P.S. Case No. 208 of 2023 lodged on 20.09.2023,
under Sections 399/402/307/120B/201 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution, F.I.R. has been lodged
against five named accused persons including the present
petitioner with allegation that they have gathered to commit
dacoity and when police apprehended them they started firing
indiscriminately in which one person has been injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that entire story of prosecution is false and fabricated and no body got injured. Moreover, allegation of planning of theft/dacoity is there which is not an offence under Section 399 of the I.P.C. Counsel further submits that no arms has been recovered which is apparent from the seizure list. Counsel further submits that petitioner is in custody since 01.05.2024 having 12 antecedents in which he is on bail. He further submits that one co-accused has been granted bail by this Court vide order dated 20.07.2024 passed in Cr. Misc. No. 45919 of 2024.

5. Learned APP for the State opposes the prayer for bail and submits that at the time of granting bail, antecedent of the petitioner shall be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail *after framing of charge, if the charge is not framed yet as well as on being satisfied by the Trial Court that petitioners is not absconding in any of the cases mentioned below* and 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, in connection with Kamtaul P.S. Case No. 208 of 2023 subject



to the condition laid down under Section 437(3) of the Cr.P.C.

- Kamtaul P.S. Case No. 65 of 2018
- Kamtaul P.S. Case No. 107 of 2018
- Kamtaul P.S. Case No. 215 of 2018
- Kamtaul P.S. Case No. 132 of 2019
- Simri P.S. Case No. 152 of 2020
- Simri P.S. Case No. 150 of 2020
- Sinhwara P.S. Case No. 143/2020
- Sinhwara P.S. Case No. 183/2020
- Sinhwara P.S. Case No. 195/2020
- Jale P.S. Case No. 66/2019
- L.N.M.U. P.S. Case No. 48/2018
- Kamtaul P.S. Case No. 93/2024

(Dr. Anshuman, J)

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