

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21459 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- KAMTAUL District- Darbhanga

Rajeev Kumar Thakur @ Nunu Boss @ Nunu Thakur, aged about 50 years,
Son of Late Dinesh Thakur, Resident of Village-Brahampur, P.S.-Kamtoul,
District-Darbhangha

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Uday Prakash Sharma, Advocate
For the Informant	:	Mr. Manish Kumar No. II, Advocate
For the State	:	Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 12-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kamtaul P.S. Case No. 78 of 2022 dated 10.04.2022 registered
for the offences punishable under Sections 302, 120B, 341, 323,
379, 504, 506 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 10.04.2022 at 8.15
A.M., the younger brother of the informant, namely, Chandan
Kumar Bhardwaj was going to his stone chips-sand shop
situated at Kadam Chowk with a bag in his hand containing Rs.
1,10,000/- of the sale proceeds of his shop and a licensed pistol
and when he reached adjacent to the house of Umesh Thakur



then the accused persons, namely, Umesh Thakur, Prince Kumar Bhardwaj @ Dheeraj and Hemant Bhardwaj @ Raushan started assaulting him with lathi and iron rod. It is further alleged that the brother of the informant thereafter raised alarm and thereupon the informant and his father went there. It is alleged that upon their reaching there the accused Neelam Devi, Sindhu Kumari, Manisha Kumari, maternal grand-mother of Prince Kumar Bhardwaj @ Dheeraj started brick batting at them. It is further alleged that in the brick batting the informant and his father sustained injury and all the co-accused persons were assaulting on the head and body of the informant's brother with intention to commit his murder. It is further alleged that the informant and his other family members were spared when local people assembled there. The said Chandan Kumar Bhardwaj was thereafter taken to hospital for treatment but he died on the way. It is further alleged that the accused Hemant Bhardwaj @ Raushan snatched away bag containing Rs. 1,10,000/- and licensed pistol of the brother of the informant. It is at last alleged that the motive of occurrence was that on 08.04.2022 the informant had objected the accused persons not to let the dirty water flow on the road whereupon an altercation had taken place in between them and the accused were having opinion that the



deceased Chandan was the main person of his family to whom they should eliminate. It is further alleged that the accused Prince Kumar Bhardwaj @ Dheeraj had demanded Rs. 50,000/- as extortion from the brother of the informant, who refused the same and at that time also he threatened him with his elimination within 1-2 months. It is alleged that an unknown person is conspirator of the whole occurrence and the said person had earlier opened fire at petrol pump and also opened fire at them in the previous year on the occasion of Holi.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that during the course of investigation, since material evidence has been found against the petitioner as such final report no. 80 of 2023 dated 20.04.2023 exonerating the petitioner was filed by the Investigating Officer. It is further submitted that the informant is a political rival and has a criminal background and it is found that the police filed the final report against the petitioner and got the statement of Priyanka Kumari recorded before the Magistrate under Section 164 of the Cr.P.C. making baseless allegation against the petitioner that he might have conspired in the murder of her husband. It is further submitted that on the



basis of 164 Cr.P.C. statement, the learned Magistrate took cognizance against the petitioner. It is further submitted that the petitioner had filed regular bail petition but the same was dismissed as withdrawn by the petitioner in Cr. Misc. No. 54344 of 2023 vide order dated 08.01.2024 on the submission of the learned counsel for the informant that the case is fixed for prosecution evidence and three months time will be taken in adducing prosecution witnesses for examination and it is on this ground this Court deemed it fit to give direction for conclusion of trial within three months and the petitioner also thought it would be proper to withdraw the bail petition. The petitioner has eleven (11) criminal antecedents and in four cases, he has been acquitted and in seven cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.05.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Vide order dated 24.03.2025, a report regarding the present stage of trial was called for and in compliance thereof, the learned District and Sessions Judge-Ist, Darbhanga has sent the report with regard to the present stage of the case vide its



Memo No. 180 of 2025 dated 27.03.2025 to this Court. I have perused the said report and the trial is at the stage of defence witness.

7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kamtaul P.S. Case No. 78 of 2022, pending in the court of learned A.D.J. Ist, Darbhanga.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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