

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10028 of 2026

Arising Out of PS. Case No.-35 Year-2018 Thana- KAMTAUL District- Darbhanga

Mrinal Bhardawaj @ Happi Son of Shankar Kumar Panday R/o Village -
Sirhulli, P.S. - Kamtaul, Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard Mr. Kedar Jha, learned counsel appearing on
behalf of the petitioner and Mr. Ajit Kumar, learned APP for the
State.

2. The petitioner seeks pre-arrest bail in connection
with Kamtaul P.S. Case No. 35 of 2018 registered for the
offence(s) punishable under Sections 341,342,323,307,302,34 of
IPC.

3. As per the allegation made in the FIR, all the
accused persons named in the FIR with a common intention to
grab the land of the informant killed the husband of the
informant and has brutally assaulted the informant and his only



son, having forced them to part with the entire share of land.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that there is no specific allegation against the petitioner that he is the one who has assaulted the husband of the informant, who succumbed to injuries. Learned counsel further submitted that for the similar allegation, other co-accused Shankar Kumar Pandey, who is father of the petitioner has been acquitted after facing trial in Sessions Trial No.481 of 2018 *vide* judgment dated 22.03.2021. Learned counsel further submitted that for orthopedic leg problem, the petitioner was hospitalized and in this regard, he has brought on record the discharge certificate (Annexure 3). Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the petitioner who is agnate of the informant with an intention to grab the land of the informant, brutally assaulted the informant and her family members and has taken life of the husband of the informant, who died on the spot. Learned counsel further



submitted that the ingredients of Section 34 of the IPC are clearly attracted in the present case, and the petitioner has failed to make out a case for grant of pre-arrest bail, inasmuch as he acted in furtherance of the common intention, having complied with the direction of his mother to assault the informant and her family members and to cause the death of the informant's husband.

6. Having heard the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and after perusing the judgment of acquittal passed in respect of other co-accused Shankar Kumar Pandey, I find that the case of the petitioner is not similarly situated to the said Shankar Kumar Pandey and complicity of the petitioner in the alleged incidence cannot be denied. From perusal of the FIR, it is evident that order giver is mother of the petitioner and the petitioner and the other co-accused mentioned in the FIR assaulted with a common intention to kill the husband of the informant and her family members, in which husband of the informant succumbed to injuries on the spot. The FIR is of the year 2018 and petitioner has managed to abscond all through and now after lapse of 8 years, he has filed the present bail application. Considering the nature of allegation made against



the petitioner in the FIR, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the present bail application stands dismissed.

(Purnendu Singh, J)

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