

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46642 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- BANGAWON District- Saharsa

Khilta @ Natwar Roy @ Khilta Ray @ Natbar Ray S/O Sanjay Roy R/O
Village- Baghwa, Ward No. 11, P.S.-(Balwahat O.P.) Simri Bakhtiyarpur,
Distt-Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

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

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bangaon P.S. Case No. 85 of 2023 instituted for the offences
under Sections 413, 414 of the Indian Penal Code and Section
25(1-B) (a) 26, 35 of the Arms Act.

3. As per the F.I.R., police on the basis of secret
information that some miscreants were planning to commit
crime, raided the place of occurrence. On seeing the police, the
accused persons tried to flee away but four persons including
the present petitioner were apprehended. On search, recovery of
arms and ammunition was made from the apprehended persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has altogether seven criminal antecedents out of which in three of them, he has been acquitted by the court below as has been stated in Para-3 of the present bail petition and is languishing in judicial custody since 27.07.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Rahul Kumar @ Golu and Vikky @ Vivek Singh @ Pushpraj Singh have been granted bail by this Court vide orders both dated 22.04.2024 passed in Cr. Misc. No. 29577 of 2024 and 29905 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named accused in this case and the allegation made against him is serious in nature. He has also seven criminal antecedents and, thus, he does not deserve bail.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bangaon P.S. Case No. 85 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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