

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18726 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- BAKHTIYARPUR District- Patna

Niraj Kumar, son of Pradeep Sharma Resident of Village - Tiuri, P.S.-
Manpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 18.05.2018 in connection with Special Case No.19 of 2018 arising out of Bakhtiyarpur P.S. Case No.136 of 2018 registered for the offences punishable under Sections 309, 402 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of Arms Act and Sections 20, 21, 22 of N.D.P.S. Act.

The prosecution case, as per the written report of Ramji Prasad, Sub Inspector of Police, submitted to S.H.O. Bakhtiyarpur P.S. is to the effect that on 17.03.2018, the informant along with other police personnel was on patrolling duty when seeing the police party, five persons tried to flee away, out of whom, three persons including the petitioner were



apprehended and from possession of the petitioner, one loaded country made pistol, four live cartridges, unsealed 50 ketajet injection, disposal disposable, half k.g. Gana, mobile phone and surgical blade were recovered.

It is submitted by learned counsel for the petitioner that for the same occurrence, Bakhtiyarpur P.S. Case No.135 of 2018 has been registered under Section 395 and 412 of IPC against unknown. Thereafter, the present FIR has been registered. Recovery of Ganja is of small quantity. It is further submitted that investigation has already concluded and the petitioner is accused in other two cases and co-accused,, Randhir Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 22.11.2018 passed in Cr. Misc. No.65993 of 2018.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the recovery is made from the possession of the petitioner.

Considering the fact that investigation has already been concluded and the co-accused has been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Addl. Sessions Judge-VIII, Patna in connection with Special Case No.19 of 2018 arising out of Bakhtiyarpur P.S. Case No.136 of 2018.

(Dinesh Kumar Singh, J)

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