

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.49091 of 2019**

Arising Out of PS. Case No.-127 Year-2019 Thana- MASAUDHI District- Patna

NIRAJ KUMAR Son of Rajendra Prasad Madhukar Resident of
Bhagwanganj, P.S.- Bhagwanganj (Masaurhi), Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

10 04-11-2020 Heard learned counsel for the petitioner and Mr.
Nityanand, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Masaurhi P.S. Case No.127 of 2019
registered for the offences punishable under Sections 147, 148,
149, 341, 342, 323 and 307 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
First Information Report has been lodged on the basis of
fardbeyan of one Devraj @ Deepak Kumar who is an injured in
this case. So far as this petitioner is concerned, it is alleged that
he had caught hold of one Manish Kumar. Chotan Yadav and
Abhishek @ Netaji had fired upon the said Manish Kumar



causing injury. Learned counsel submits that this petitioner has been falsely implicated in this case, he is a student and on the date of occurrence i.e. 18.02.2019 he was appearing in a competitive examination at Varanasi. In this connection, he has brought on record a copy of the e-Admission Certificate of Multi Tasking (Non-Technical) Staff Examination 2019. Learned counsel submits that the petitioner has otherwise no criminal antecedent and since no overt act has been alleged against him, he deserves privilege of anticipatory bail.

It is further submitted that in course of investigation having noticed that this petitioner was not involved in the present case the informant's side has submitted a compromise in the court below, copy of which is Annexure-3 to the supplementary affidavit. It is then submitted that although earlier a learned coordinate Bench of this Court had granted interim protection to the petitioner vide order dated 16.11.2019, the said order was withdrawn when learned counsel for the petitioner was unable to appear in the case when it was called out.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the name of the petitioner has transpired in the



fardebayan of the informant as one of the persons who was present with co-accused and had caught hold of the hand of Manish Kumar.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the First Information Report that only allegation against the petitioner is that he had allegedly caught hand of one Manish Kumar, however, there is no allegation that the petitioner had caused any assault or had fired on said Manish Kumar, the petitioner has otherwise no criminal antecedent and an affidavit has been sworn that he was appearing in the examination conducted by the Staff Selection Commission on the alleged date of occurrence and now a joint compromise petition has also been filed, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Masaurhi P.S. Case No.127/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the learned court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

