

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16387 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- BIDUPUR District- Vaishali

Neeraj Kumar, aged about 33 years, (Male) son of Vidya Nand Singh,
Resident of village-Vihbarpur, Police Station- Vidupur, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Bidupur PS Case No. 361 of 2020, instituted for the offence under Sections 399, 402 and 120B of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act.



The First Information Report alleges that 10-12 miscreants have assembled for planing commission of a crime. The police have received a tip-off and have reached the place of occurrence. Five accused persons have been apprehended, including the petitioner.

The learned counsel for the petitioner submits that arms were recovered from other co-accused persons. The petitioner, having no criminal antecedents, was in the vicinity and has become a victim of the circumstance. There is no recovery of any arms or incriminating material from the petitioner. He is in custody since 17.09.2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bidupur PS Case No. 361 of 2020, subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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