

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36305 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- MINAPUR District- Muzaffarpur

NIRAJ KUMAR @ KANCHHA Son of Dharamvir Mandal Resident of
Village- Bandh Road Sikenderpur, P.S.- Muzaffarpur Town, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Minapur P.S.
Case No. 77 of 2020 registered for the offences punishable
under Sections 399, 402, 414 of the IPC and Sections 25(1-b)a,
26, 35 of the Arms Act.

According to prosecution case, having got secret



information police nabbed three persons and several firearms were recovered from their possession.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner has been made accused in this case on the basis of confessional statement of co-accused Awadhesh Rai @ Bakariya. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that co-accused Awadhesh Rai @ Bakariya has been granted bail by a co-ordinate Bench of this court vide order dated 13.10.2020 passed in Cr. Misc. No. 23399 of 2020. He further submits that co-accused Pappu Paswan has been granted bail by a co-ordinate Bench of this court vide order dated 22.09.2020 passed in Cr. Misc. No. 25104 of 2020. Charge sheet has been submitted in this case. Petitioner is in custody since 15.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Judicial Magistrate, 1st Class, Muzaffarpur (East) in connection with Minapur P.S. Case No. 77 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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