

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12991 of 2021**

Arising Out of PS. Case No.-279 Year-2020 Thana- KADAMKUAN District- Patna

NIKESH RANJAN Son of Rajesh Kumar R/O- OLD KANKAR BAGH,
GATE NO 15, P.O.- LOHIA NAGAR, P.S.- PATRAKAR NAGAR,
DISTRICT- PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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

2 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Kadam Kuan P.S. Case No. 279 of 2020 registered for the offences punishable under Sections 25(1-B) (a), 26, 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant got a secret information that a birthday celebration was going on the terrace of Ankit Sinha @ Shera in which some persons have gathered with pistol whose live video was streaming on facebook. The informant along with the



police party raided the said place from where empty cartridges, country made pistol with magazine, D.V.R. and four motorcycles were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not seen in the said video as involved in firing. Learned counsel submits that the co-accused namely Ankit Sinha @ Shera and several other co-accused have been granted bail by different co-ordinate Benches of this Court. It is submitted that the petitioner is in custody since 03.07.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the First Information Report the birthday celebration was taking place in the house of co-accused Ankit Sinha @ Shera and there the people had assembled and they were indulged in firing, the specific name of the persons involved in firing and identified in the video have been mentioned in the F.I.R., the petitioner is not seen in the said video as involved in firing, the co-accused namely Ankit Sinha @ Shera has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 14218 of 2021 and



several other co-accused have been granted bail by different co-ordinate Benches of this Court and that in all the cases stated in paragraph '3', the petitioner is said to be on bail, petitioner is in custody in connection with this case since 03.07.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XII, Patna in connection with Kadam Kuan P.S. Case No. 279 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

And further condition that henceforth on the interval of every two months the petitioner shall keep on submitting his attendance with the S.H.O., Patrakar Nagar police station and in case he is required to go outside in connection with his employment or for any other reason, he will provide his complete information to the S.H.O. of the police station and he will cooperate in course of trial and shall appear on each and every date fixed in the matter by the trial court. Two consecutive defaults in putting appearance in course of trial shall lead to cancellation of his bail bond by the court below itself.

This application stands disposed of accordingly.

(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'.

