

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24484 of 2021

Arising Out of PS. Case No.-196 Year-2017 Thana- UDWANTNAGAR District- Bhojpur

NIRAJ KUMAR @ NEPALI @ NIRAJ S/O UPENDRA SINGH R/o village-
Lodipur, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Udwantnagar P.S. Case No. 196 of 2017 registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The brother of the informant is said to been killed
by some unknown persons.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, the petitioner has not been
named in the F.I.R. but on the confessional statement of the
co-accused, Abhishek Kumar Singh, he has been made



accused in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye witness to the alleged occurrence. Moreover, the co-accused, namely, Pawan Chaudhary and Ranjit Choudhary have already been granted bail by different co-ordinate Benches of this Court vide order dated 24.01.2019 and 14.08.2019 passed in Cr. Misc. No. 79246 of 2018 and Cr. Misc. No. 26062 of 2019 respectively. The petitioner is rotting in judicial custody since 18.05.2018.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 196 of 2017 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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