

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15053 of 2022**

Arising Out of PS. Case No.-149 Year-2020 Thana- PURNAHYA District- Sheohar

Niraj Pathak @ Niraj Kumar @ Chinese, Son of Ragho Pathak, Resident of  
Village- Bathnaha, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      30-06-2022      Today this case has been listed on priority basis, on  
the motion slip filed by the learned counsel for the petitioner.

At the outset, learned counsel for the petitioner seeks  
permission to make necessary correction in para.1 of the bail  
petition, during the course of the day.

Permission is accorded.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Vikash Kumar Jha, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Purnahiya P.S. Case No. 149 of 2020 for the  
offences punishable under Sections 25(1-b) a, 26 and 35 of the



Arms Act.

As per prosecution case, it is alleged that on 24.10.2020, the informant received information that some criminals made attempt to kill Shri Narayan Singh, a candidate of Shivhar Janta Dal Rashtrawadi MLA and he received fire arm injury. It is further alleged that local people apprehended two criminals including this petitioner and on search being made a pistol without magazine was said to be recovered from the possession of this petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that with regard to attempt of murder, a substantive F.I.R. bearing Purnahiya P.S. case no. 150 of 2020 was registered, however, with regard to the recovery of arms the present case has been instituted and this petitioner is in custody since 26.10.2020. It is further submitted that in fact the petitioner was apprehended on suspicion and thereafter local people brutally assaulted him and he has been handed over to the police by making a false allegation that arms has been recovered from his possession. It is further submitted that though the seizure list has been prepared before instituting of the F.I.R., but contains the police station case number, which shows that the same has been prepared in the police station



itself. It is also submitted that except one criminal case, which has been mentioned in para.3 of the application, there is no other case pending against the petitioner and moreover the investigation of the crime is already completed and the charge-sheet has been submitted in this case.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot with fire-arm, inasmuch as his name has also transpired in a case of attempt to murder.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, apart from the fact that there are irregularities in the preparation of seizure list and moreover the investigation is completed and charge-sheet has been submitted in the present case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sheohar in connection with Purnahiya P.S. Case No. 149 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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