

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18253 of 2022**

Arising Out of PS. Case No.-16 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Niraj Kumar, S/O Ram Ekbal Ray R/O Village- Harpur Juneda, P.O. And P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 18-04-2022 The present application has been taken up out of turn
on the mentioning made by the learned counsel for the petitioner
that brother of the petitioner namely, Rahul Kumar is getting
married with Kumari Barsha on 22.04.2022.

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

The petitioner seeks bail in a case registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.01.2022, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

Allegation is of recovery of a looted country-made



pistol.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He is a person with clean antecedent. Nothing was recovered from his conscious possession and the police implicated him as he was not ready to grease the palm.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent and charge-sheet has been submitted in the case, the petitioner, above-named, is directed to be released on **provisional bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Motipur P. S. Case No.16 of 2022, subject to condition that one of the bailors shall be the father of the petitioner namely, Ram Ekbal Ray.

The learned Court below shall seek a report from the Senior Superintendent of Police, Muzaffarpur with regard to the fact that as to whether the brother of the petitioner is getting married on 22.04.2022 or not. In the event, if the report



confirms the marriage, the provisional bail granted to the petitioner shall be confirmed and in the event, if the report records that the Court was misled for the purposes of obtaining bail, the learned Court below shall forthwith cancel his bail bonds and will take all coercive steps to take back the petitioner behind the bars.

The application stands disposed of.

(Satyavrat Verma, J)

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