

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34885 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- BHARGAMA District- Araria

Niraj Kumar Yadav, Son of Mahendra Yadav, Resident of Village - Charnay ,
Ward no.01, P.s.- Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bhargama P.S. Case No. 16 of 2022 registered
for the alleged offences under Sections 394 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the son of the informant
used to work as convener of CSP (BOB). He was chased by four
miscreants on two motorcycles and they tried to take away the
money after breaking his dickey and on resistance being shown
by the son of the informant, he was shot at by one of the
miscreants. The miscreants fled away with money, purse and



ATM cards of the son of the informant. The son of the informant died at the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired during investigation in the confessional statement of co-accused Anil Kumar Yadav. Nothing incriminating has been recovered from his conscious possession. The petitioner was not put to any Test Identification Parade rather the confessional statement of the petitioner was extracted by the police without any recovery. The petitioner is in custody since 22.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery is stated to be made from this petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria in connection with



Bhargama P.S. Case No. 16 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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