

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43895 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJNAGAR District- Madhubani

NIRAJ KUMAR SAH Son of Ganga Prasad Sah @ Ganga Sah Resident of
Village - Ramdatpatti, P.S. and District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 25.02.2021, seeks
regular bail in connection with Rajnagar P.S. Case No. 40 of
2021 registered for offences punishable under Section 394 of the
Indian Penal Code and Section 25(1-b)a/26 of the Arms Act.

Prosecution case, in brief, is that on 11.02.2021 at
about 8:30 a.m., two boys armed with *desi katta* entered into
branch office of the informant with intention of robbery and
threatened the informant for money. One boy assaulted the
informant by *desi katta* on his head due to which he sustained



cut injury on his head. On hulla, nearby people gathered and caught one boy who disclosed his name as Manish Kumar Mandal and also disclosed the name of other co-accused persons namely, Gaurav Kumar, Niraj Kumar Sah (Petitioner) and one unknown person managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that petitioner is quite innocent and has falsely been implicated in this case on the basis of confessional statement of one co-accused Manish Kumar Mandal. He further submits that no incriminating article was recovered from the conscious possession of the petitioner as well as from his house. Petitioner is in custody since 25.02.2021 and he has clean antecedent.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, period of custody of the petitioner, no incriminating article has been recovered from his conscious possession, petitioner having no criminal antecedent and there is no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Madhubani in connection with Rajnagar P.S. Case No. 40 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

