

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35193 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARURAJ District- Muzaffarpur

NIRAJ KUMAR Son of Raju Patel @ Raju Mahto Resident of Village -
Vaishali, P.S. Vaishali, District - Vaishali (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 397, 398, 400, 414, 353, 307,
120(B)/34 of the Indian Penal Code and Section 25(1-b)a,
26, 27 and 35 of the Arms Act.

The case relates to recovery of one country made
pistol along five live cartridges.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely
on the basis of suspicion. He further submits that it appears
from the F.I.R. and the seizure list, one country made pistol



along with five live cartridges have been recovered from the possession of the petitioner but in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has erroneously shown the recovery from the possession of the petitioner and prepared the seizure list. Moreover, the co-accused, namely, Manjay Kumar has already been granted bail by this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 33352 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Baruraj P.S. Case No. 14 of 2022 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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