

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.61999 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- KOILWAR District- Bhojpur

NIRANJAN KUMAR @ CHOTU S/o Ashutosh Kumar Rai R/o Village -  
Sakaddi, P.S. - Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER**

4      03-08-2022      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Koilwar P.S. Case No. 71 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, two miscreants on a motorcycle accosted the informant and signaled him to stop. When the informant did not stop then one of the riders fired upon him and informant fell down and the miscreants took away Rs. 1,81,000/- which was in a bag being carried by the



informant.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession or at his instance. The petitioner was named in this case on the basis of confessional statement made by co-accused Om Prakash and at the behest of co-accused some recovery has been made but not at the instance of this petitioner. Further, no TIP has been conducted. Charge sheet has been submitted in this case and the petitioner is in custody since 02.08.2021.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been made from the petitioner and the petitioner is in custody for more than a year and further considering the 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 71 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of



Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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)**

Gautam/-

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