

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61271 of 2022

Arising Out of PS. Case No.-334 Year-2022 Thana- VAISHALI District- Vaishali

Niraj Kumar, Son of Chandra Kant Mishra, R/V- Nawada, P.S- Katra, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on the ground that the petitioner has been suffering from heart disease and failure of kidney and his uncle is also suffering from cancer and the petitioner is the only ward to take care of them.

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.

In the present case, the petitioner seeks bail in connection with Vaishali P.S. Case No. 334 of 2022 registered for the alleged offences under Sections 379, 411, 406 and 34 of the Indian Penal Code.

As per prosecution case, the co-accused Md. Mainuddin was apprehended by the police with some stolen



articles and allegation against this petitioner is that he has supplied him the articles from the complex where he has been working as a guard.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of confessional statement of the co-accused. Nothing incriminating has been recovered from the possession of this petitioner and he was not apprehended from the spot. The learned counsel further submits that petitioner is an employee of the security agency and working as gunman and he has no concern with the allegedly seized articles or with the co-accused persons who are stated to be involved in the crime. Learned counsel further submits that no one has come forward from the 72 acre complex from where the seized articles are alleged to have been stolen. Learned counsel further submits that the FIR was registered on 28.08.2022 but the same was sent to the learned Magistrate on 30.08.2022 and this creates doubt over the prosecution case. There is no independent witness to the seizure list and all the witnesses are police personnel. The petitioner is in custody since 30.08.2022 and charge-sheet has been submitted. The petitioner is having 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 has been shown from him and further considering his period of custody along with his clean antecedent and 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, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 334 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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