

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14843 of 2023**

Arising Out of PS. Case No.-673 Year-2015 Thana- SASARAM NAGAR District- Rohtas

Nirmal Singh @ Nirmal Singh Kharbar @ Awadesh Singh@Awadesh
Kharbar Son of Sita Ram Singh R/v- Raihal, P.S.- Nauhatta, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Narayan Singh

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 30-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sasaram Darigaon P.S. Case No. 673 of 2015, registered for

the offences punishable under Sections 147, 148, 149, 307,

353 and 121 of the IPC, Section 25(1-B)a, 26, 27 and 35 of

the Arms Act and Section 17 of the C.L.A. Act.

As per the FIR, the allegation is of indiscriminate

firing and recovery of several arms and ammunition from

other co-accused persons.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been arrested on the spot and his name sprang up on the basis of confessional statement of co-accused Laxmi Singh, who was arrested on the spot and acquitted by the trial court. It is further submitted that other co-accused person, namely Ajay Rajbhar @ Ajay Kharwar has been granted bail by a co-ordinate bench of this Court, vide order dated 29.04.2022, passed in Cr. Misc. No. 70210 of 2021.

He further submits that the petitioner has been languishing in jail since 16.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that earlier the petitioner has been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the deposition of the witnesses during trial, **this application is allowed**, directing the petitioner, above- named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram, in connection with Sasaram Darigaon P.S. Case No. 673 of 2015, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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