

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13624 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- DHAMDAHA District- Purnia

Niraj Kumar Son Of Jyoti Paswan R/O Nawabganj, Ward No.3, P.S.- Korha,
District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Dhamdaha P.S. Case No. 297 of 2022 registered under sections 413 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that the informant along with police personnel reached at Dhokwa More and saw that three persons in injured conditions were lying in the side of road. When the search has been conducted, there is recovery of country made pistol along with live cartridge from the possession of other co-accused persons. Further, a stolen motorcycle has also



been recovered from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is further submitted that nothing incriminating article has been recovered from the conscious possession of the petitioner rather the incriminating article has been recovered from the possession of other co-accused persons. The petitioner has no concern either with the seized article or with this alleged offence. During investigation, nothing cogent material has come against him. It is also submitted that a statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 16.10.2022. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 18.04.2023. in Cr. Misc. No. 9882 of 2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Dhamdah P.S. Case No.



297 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea.

(Sunil Kumar Panwar, J)

shubham/-

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

