

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15876 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- BARUN District- Aurangabad

NIRANJAN KUMAR Son of Mahendra Singh Yadav @ Mahendra Singh
R/V- Lakhaipur P.s- Narari Kala Khurd, Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Barun
P. S. Case No. 523 of 2022, registered for the offences
punishable under Section 395 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that when the informant was carrying paddy corn from his
truck, the petitioner and his associates snatched Rs. 6000/-
from him and also assaulted him. Allegation of trying to take
away the truck is also there.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner is not named in the F.I.R. and his name transpires in the confessional statement of one of the co-accused, Subham Kumar. He further submits that no Test Identification Parade has yet been conducted. He also submits that some of the co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 12.05.2023, passed in Cr. Misc. No. 17224 of 2023 and Cr. Misc. No. 17886 of 2023.

He further submits that the petitioner has been languishing in jail since 11.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Aurangabad, in connection with Barun P. S. Case No. 523 of 2022 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 any criminal antecedents, Ld. 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, Ld. 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)

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