

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25920 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- DHANARUA District- Patna

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NIRAJ KUMAR @ PANDIT KUMAR, SON OF LATE UMESH PRASAD
@ UMESH GOPE @ DHURI GOPE, R/O- VILLAGE- NANAURI, P.S.-
DHANARUA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Dhanarua P.S.
Case No. 426 of 2021/G.R. No. 1211 of 2021/Sessions Trial No. 378
of 2022 registered for the offence punishable under Section 392, 307
and 411 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that the informant was awoken from his
slumber when his tractor was started by thieves for taking it away. He
has apprehended the petitioner whereas one co-accused namely Bittu
Gope has fled away. Further it is submitted that the co-accused Bittu
Gope was apprehended after police came into action. He has been
apprehended from the house of the petitioner along with arms.

Learned counsel for the petitioner submits that actually
there was a dispute regarding parking of the tractor between the



parties and it is in such background that the petitioner has been implicated, as it is evident from the FIR that parties are known to each other, their implication is by name. The petitioner, prior to the instant case, has no criminal antecedents. Dhanarua P. S. Case No. 427 of 2021 has been instituted against the petitioner when the alleged co-accused Bittu Gope was apprehended from his house along with arms. It is under such circumstances that the petitioner has remained in custody since 11.12.2021. It is further submitted that two other co-accused persons namely Judge Kumar and Sadhu Kumar have been allowed bail in *Cr. Misc. No. 23459 of 2022*.

Learned APP for the State has opposed the prayer for bail. He has submitted that petitioner has been apprehended at the spot while trying to steal the tractor. There is also recovery of arms from his house.

Considering the rival submissions, period of custody, nature of allegations, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge, Masaurhi (Patna), in connection with Dhanarua P. S. Case No. 426 of 2021/G.R. No. 1211 of 2021/Session Trial No. 378



of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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