

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28063 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- GWALPARA District- Madhepura

NIRANJAN KUMAR @ NIRAJ S/O AMIRLAL MAHTO R/O Village-
Sindhubadi Bind toli ward no. 16, P.S- Gawalpara Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard the parties.

The petitioner is an accused in connection with Gawalpara P.S. Case No. 209 of 2022 registered for the offences under sections 399 and 402 of the Indian Penal Code and sections 25(1-B) a, 26 and 35 of the Arms Act lodged on 26.09.2022 by the informant, Vijay Paswan.

As per the prosecution story, the police upon information proceeded to the spot, the accused persons tried to escape but were apprehended and on search amongst other from this petitioner, one country made loaded gun with live cartridge recovered alongwith mobile. Accordingly the FIR, arrest.

It is the case of the petitioner that only because he has criminal antecedent, got implicated and has already suffered by being in custody since 27.09.2022 as reflects from the order of



the learned Session Judge.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has been arrested with a gun.

Considering the submissions put forward by the learned Counsel for the petitioner as also his period of custody (27.09.2022), FIR lodged and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Udakishunganj in connection with Gawalpara P.S. Case No. 209 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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