

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28132 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- MALSALAMI District- Patna

NIRAJ KUMAR s/o -Manoj Gupta@Manoj Kumar Gupta R/O- Sabalpur,
Gulmahiya(Gulmahiyachak), P.S- Nadi, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 12.04.2022 in connection with Malsalami P.S. Case No. 47 of 2022 (S.Tr. No. 61 of 2023), F.I.R. dated 31.01.2022 for the offences punishable under Section 395/120B of the Indian Penal Code and Section 27 of Arms Act but the police after investigation submitted the charge sheet under Section 395, 120B of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief that on 31.01.2023 at about 1:00PM, the informant namely Ginja Devi along with her daughter-in-law Shobha Devi, daughter Asha Devi and his Son Vishnu Prasad as soon as reached near Aata Chakki of Jay Jee then, three persons came and took white bag



from the hand of her daughter in which Rs. 17,00,000/- lakh were present that 17 Lakh Rupees was kept from the soled old house at Rs. 17 lakh. Old house is already been sold by the informant of this case Ginja Devi on month oct 2021 rest of rupees had been divided between the son Vishnu Prasad daughter Asha Devi and and rest 34 lakh rupees was deposited and Basudeo Prasad has purchase a house at Jamunapur. Informant of this case alleged in her petition that Shobha Devi called a man whose name was Bhoma on mobile phone. Her grand-son Om kumar went out from the house at about 1:00 PM informant of this case reached near the Atta Chakki of Jay Jee then three persons came and stolen Rs.17 lakh which has been kept in white bag from the hand of the daughter of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Ankit Patel @ Bhoma. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the



prosecution. He further submits that similarly situated, co-accused, namely, Om Kumar @ Om Gupta @ Nitish Kumar and Ankit Patel @ Bhoma have been granted bail by the learned Court below vide orders dated 18.08.2022 and 23.11.2022 passed in B.P. No. 776 of 2022 and B.P. No. 1358 of 2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one and petitioner is on bail in Malsalami P.S. Case No. 174 of 2020 as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, 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 A.D.J.-IV, Patna City, District- Patna, in connection with Malsalami P.S. Case No. 47 of 2022 (S. Tr. No. 61 of 2023), subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

