

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34232 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- BAKHARI District- Begusarai

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NIRAJ KUMAR @ NIRAJ YADAV SON OF SHAMBHU YADAV
RESIDENT OF VILLAGE- WARD NO. 5, PARIHARA, PS- BAKHARI
(PARIHARA O.P.), DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bakhri
P.S. Case No. 340 of 2022 registered for the offences punishable
under Sections 188, 285, 307 of the Indian Penal Code and
25(9) Arms (Amendment) Act, 2019 and 27 of Arms Act.

As per prosecution case, it is alleged that during
orchestra program firing was made. Local villagers identified
the petitioner and others through viral video who were involved
in firing.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.11.2022. Petitioner bears one
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that Petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that similarly situated co-accused Ranvir Kumar has already been granted bail vide Cr. Misc No. 13920 of 2023 by a co-ordinate bench of this Court and petitioner deserves same treatment.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, also taking into consideration the material available on record, co-accused has already been granted bail and on the principle of parity, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Bakhri P.S. Case No. 340 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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