

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39052 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- NARPATGANJ District- Araria

Niraj Kumar Ram @ Niraj Kumar, Son of Late Kishori Ram @ Kishore Ram
Resident of village - Bhagkohilia, P.S. - Forbesganj, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with G.R.
No. 389 of 2021, arising out of Narpatganj P. S. Case No.
54 of 2021, registered for the offences punishable under
Sections 412, 414 and 34 of the Indian Penal Code and
Sections 25(1-b)a/(ab), 26(1)(2), 35 and 27 of the Arms
Act, 1959.

As per allegation, one live cartridge, cash of Rs.
84,425/-, (37290/- Indian currency and Rs. 47,135/- Nepali
currency), one mobile phone and one motor-cycle have been
recovered from the possession of the petitioner.



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 test identification parade has yet not been conducted. He further submits that one co-accused has already been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 23.12.2021, passed in Cr. Misc. No. 34314 of 2021.

He further submits that the petitioner has been languishing in jail since 02.02.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two more cases.

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. Sessions Judge, Araria, in connection with G.R. No. 389 of 2021, arising out of Narpatganj P. S. Case No. 54 of 2021 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 hamper 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 criminal antecedents other than



the disclosed one, 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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