

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40322 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- MALSALAMI District- Patna

NIRAJ KUMAR S/O MANOJ GUPTA R/O- Sabalpur, PS. Nadi, Distt. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mrs. Priyanka Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with Malsalami P.S. Case No. 168 of 2022 (Special Case No. 54 of 2022) registered for the offences under sections 399, 402 and 413 of the Indian Penal Code, sections 25(1-b)a, 26 and 35 of the Arms Act and sections 8, 20(b)(ii)(B) of the NDPS Act lodged on 22.03.2022 by the informant, Diwakar Kumar.

The informant of this case is Diwakar Kumar A.S.I of Malsalami P.S. who gave his written report alleging there in that on 22/03/2022 at about 17:00 hrs., he was in patrolling duty in the meantime, received a secret information that some criminals have gathered with arms & ammunition near pond of Mathnital and were planning for committing crime. He along with police



personnel reached there at about 6:50 P.M. However, on seeing the patrolling party, they began to flee away. But they were surrounded and arrested. They disclosed their names as (1). Ankit Patel Bhoma, (2) Aakash Kumar @ Chhotu @ Chhoti, (3) Sumit Kumar @ Sauna, (4) Manish Kumar @ Phenku, (5) Om Gupta @ Nitish Kumar, (6) Piyush Gupta @ Chandan Sao (accused/petitioner), (7) Niraj Kumar and (8) Rohit @ Dehatia. They were searched before police personnel and arms, ammunition, 'ganja', Mobile, vehicle etc. were recovered from the possession of accused persons and accordingly seizure lists have been prepared. Accordingly, the FIR.

Mrs. Singh, learned Counsel for the petitioner submits that recovery/seizure so far as this petitioner is concerned, is of 1 kg 250 gm 'ganja' as also a mobile, a fastrack watch for which he has already suffered by being in custody since 23.03.2022 (as stated in paragraph-8 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the recovery/seizure as also the fact that he has remained in custody since 23.03.2022 (more than a year), 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 Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Patna in connection with Malsalami P.S. Case No. 168 of 2022 (Special Case No. 54 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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