

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41130 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- NTPC District- Patna

INDRAJIT KUMAR S/o Gauri Shankar Yadav R/o village- Raily, P.S.-
NTPC, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with N.T.P.C. Case No. 17 of 2020 registered for the offences punishable under Section 302, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 11.06.2020 having two criminal antecedents as stated in paragraph '3' of the application and in both the cases he is said to be on bail.

As per the prosecution story, it is alleged that on 08.03.2020 the marriage ceremony of the son of the informant was going to be held with the daughter of the Shiv Shankar Yadav of village Railey and when the Barat reached in the village, two dancer were dancing with D.J. Band, in the meantime, 5-6 boys arrived and stopped the dancer to dance on



their will. The quarrel was started between both the parties and some boys started firing, in which some persons received gun shot injuries. One boy namely, Jitendra Kumar disclosed that his brother Indrajeet Kumar had fired and also disclosed the name of the accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The name of the petitioner has been allegedly disclosed by his brother Jitendra Kumar.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to have remained in custody since 11.06.2020 and at this stage the only witness who has been examined in course of trial has been declared hostile and the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Barh, in connection with N.T.P.C. P.S. Case No. 17 of 2020, subject to the condition as laid down under Section 437 (3)



Cr.P.C.

Subject to condition that the petitioner shall be obliged to put his appearance on each and every dates in course of trial and non-appearance on two consecutive dates, without there being any cogent reasons, shall invite action towards cancellation of bail.

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.

(Rajeev Ranjan Prasad, J)

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