

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47203 of 2022

Arising Out of PS. Case No.-300 Year-2022 Thana- RAJGIR District- Nalanda

Niranjan Kumar @ Tuni Mahto @ Niranjan Prasad, aged about 62 years,
male, Son of Late Jagdish Mahto R/v- Panditpur, P.S- Rajgir, Dist- nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rudal Singh, Adv.
For the State : Mr. Narendra Kumar Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Rajgir PS
Case No. 300 of 2022, Corresponding to GR No. 2433 of 2022
registered for the offence punishable under Sections 504, 506 and
307 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is alleged to have threatened and fired upon the
informant on the pretext of some land disputes.

Learned counsel for the petitioner submits that the
prosecution case is ambiguous insofar as the motive of firing is
concerned. It is also apparent that no one has sustained any firearm
injury. The petitioner's implication is on account of his earlier
antecedents, as he was accused in 06 (six) cases, as per disclosure
made in para 03 (three) of the bail petition, lodged long time ago, the
last being Rajgir PS Case No. 145 of 2003. It is a case of false
implication on extraneous consideration and he is in custody since
31.05.2022. The weapon of assault has not been recovered from the
petitioner.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, nature of accusation, petitioner's period of custody as also the fact that nothing incriminating material has been recovered from the petitioner's possession, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate Nalanda, Bihar Sharif, in connection with Rajgir PS Case No. 300 of 2022, corresponding to GR No. 2433 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shyambihari/-

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

