

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47150 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Niraj Kumar Singh, aged about 23 years, Male, S/o Kanhaiya Singh R/o village- Pandey Patti, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

5 23-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Buxar (Muffasil) P.S. Case No. 153/2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC').

The informant has alleged that his younger brother has been surrounded by six named persons, who have arrived on two motorcycles along with 2-3 unknown persons, and has been killed. The petitioner is not a named person.

Learned counsel for the petitioner submits that the specific allegation of causing firearm injury is against co-accused, namely Sangram yadav, Halchal Yadav and Baleshwar Yadav. The petitioner has been dragged in this case unnecessarily. The case against the petitioner of Cr. Misc No. 60140 of 2022, viz., Salik Ram Yadav @ Salik Ram @ Shaligram Singh was not found to be true, which is obvious from the final form report. The petitioner has been implicated in this case because of his criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application. He is stated to be in custody since 07.05.2022. Co-accused, namely, Salik Ram Yadav has been allowed bail in Cr. Misc No. 60140/2022. Co-accused Munna Yadav has been allowed bail in Cr. Misc. No. 62086 of 2022.



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

Considering the rival submissions, the fact that there is no specific allegation of causing firearm injury upon the petitioner as also the outcome of investigation, at least in respect of petitioner of Cr. Misc. No. 60140 of 2022 viz., Salik Ram Yadav @ Salik Ram @ Shaligram Singh, , 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, Buxar, in connection with Buxar (Muffasil) P.S. Case No. 153/2022, 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)

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