

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46936 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Niraj Kumar Singh S/O Kanhaiya Singh Resident Of 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, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Buxar (Mufassil) P.S. Case No. 169 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution, the police personnel apprehended this petitioner and co-accused persons and from the possession of this petitioner recovered one country-made pistol loaded with live cartridge.

The main submissions advanced by learned counsel Mr.



Arun Kumar Gupta, appearing for the petitioner are that the petitioner has been languishing in jail since 28.04.2022, against him there are criminal antecedent of four cases out of which the FIRs of the three cases were registered against unknown persons and the petitioner has got bail in all the said cases after filing the present miscellaneous petition and during investigation no independent witness was examined by the police and one similarly situated co-accused person namely, Neeraj Yadav @ Niraj Yadav who was also apprehended with this petitioner with firearms and having criminal antecedent of four cases, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 60298 of 2022. Further submission is that the petitioner is ready to leave state of Bihar till the disposal of trials of his all cases which are pending against him.

Learned APP Mr. Shantanu Kumar, appearing for the State has opposed the prayer for bail and submitted that the petitioner was caught with firearms and he has criminal antecedent of four cases, so he does not deserve to the privilege of bail.

In view of the facts, as stated above and mainly considering the privilege of bail having been granted to co-accused person by a co-ordinate Bench of this Court, this Court



is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Buxar (Mufassil) P.S. Case No. 169 of 2022, further on this condition that the petitioner shall live outside of the State of Bihar during the trial of this case as well as other cases except the dates on which his physical appearance is required by the Court concerned in his cases which are pending against him and in this regard the petitioner himself agreed to follow the said condition. If the petitioner violates the said condition, then the prosecution will have liberty to take serious action against him by making a prayer to cancel his privilege of bail.

(Shailendra Singh, J.)

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