

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70175 of 2022

Arising Out of PS. Case No.-579 Year-2022 Thana- FORBESGANJ District- Araria

NIRAJ KUMAR @ NIRAJ YADAV @ NIRAJ KUMAR YADAV Son of
Mukesh Yadav Resident of village - Dhangara, P.S.- Forbesganj (Simraha),
Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Forbesganj P.S. Case No. 579 of 2022 dated 05.06.2022 registered
for the offence under Sections 394 of the Indian Penal Code.

Four unknown miscreants are alleged to have
assaulted the informant with the butt of pistol as a result of
which he sustained head injury and looted Rs.25,000/-

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the F.I.R. has been registered
against unknown persons and the petitioner has not been named
in the F.I.R. but the petitioner has been apprehended in this case
during course of investigation and he has confessed his guilt on



the threat of brutal assault by the police. In fact, nothing incriminating has been recovered from the house or conscious possession of the petitioner. He further submits that no T.I.P. has been conducted as yet by the prosecution. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Kishor Kumar Mehta, has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 52666 of 2022. The petitioner is rotting in judicial custody since 07.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 579 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for 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.

(Rajesh Kumar Verma, J)

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