

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72921 of 2023**

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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NIRANJAN KUMAR SON OF PARO SINGH RESIDENT OF VILLAGE-
PAHSARA, PS- NAWKOTHI, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Nawkothe P.S. Case No. 103 of 2021 registered for the

offences punishable under Sections 302, 120(B)/34 of

the I.P.C. and Section 3/4 of Explosive Substance Act.

3. As per prosecution case, 10 to 15 unknown

persons assaulted the son of the informant and also

threw bomb upon him due to which informant's son died.

Thereafter, the miscreants fled away from there. Hence,

FIR has been lodged against 10 to 15 unknown persons.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to dirty village politics. Petitioner is not named in the FIR and his name has been surfaced upon the confessional statement of co-accused Shuvam Kumar @ Hathkatta. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that co-accused Shuvam Kumar @ Hathkatta, upon whose confessional statement name of petitioner has been surfaced in this case, has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 46435 of 2022 and case of present petitioner stands on better footing and hence, petitioner also deserves bail. Similarly, co-accused Harshwardhan Kumar @ Daulat Kumar has also been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 12936 of 2023. Petitioner is in



custody since 15.05.2023. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases. Learned counsel orally submits that petitioner has been granted bail in the aforesaid two cases. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by a co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge-XI,
Begusarai in connection with Nawkothi P.S. Case No.
103 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who
has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two
consecutive dates without appropriate permission, would
be a ground for cancellation of bail by the learned Trial
court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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