

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.95 of 2023**

Arising Out of PS. Case No.-48 Year-2021 Thana- CHAUTHAM District- Khagaria

NIRANJAN KUMAR SON OF ASHOK YADAV R/O VILL.- SONVARSA,
WARD NO. 01, P.S.- CHAUTHAM, DISTT.- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 11.08.2022
in connection with Chautham P.S. Case No.48/2021 (Suppl.), G.R.
No. 749A/2021, F.I.R. dated 05.03.2021, for the offences
punishable under Sections 341, 326, 307, 120B/34 of the IPC &
Section 27 of the Arms Act.

According to prosecution case, while the son of the
informant was going to his house, two persons coming on a
motorcycle and a person sitting on back seat of the bike opened
fire on the son of the informant, which hit on his stomach,
shoulder and hand.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in the present case. He further submits



that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of the statement of witness, namely, Pratap Singh. He further submits that the petitioner has not committed any offence and nothing has been recovered from conscious possession of the petitioner. He further submits that it is not clear from the F.I.R. that who fired upon the victim and except the statement of witness, namely, Pratap Singh, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons, namely, Sikandar Yadav, Bharat Yadav and Chotu Yadav have been granted bail by the learned court below itself and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

Considering the aforesaid facts and circumstances, 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 Sri Aditya Prakash, J.M. 1st
Class, Khagaria in connection with Chautham P.S. Case No.
48/2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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