

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13420 of 2024**

Arising Out of PS. Case No.-65 Year-2023 Thana- BHAPTIAHI District- Supaul

Niraj Kumar S/o Rajendra Sutihar @ Rajendra Kumar Sharma @ Rajendra Sharma R/o Village- Gopalpur ward no.4, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

3      24-04-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bhaptiyahi P.S. Case No. 65 of 2023, lodged on 01.06.2023 under Section 394 of the Indian Penal Code read with sections 25(1-B)a, 26, 27, 35 of the Arms Act and later on section 302 of the IPC has been added.

3. As per the prosecution case, the FIR has been lodged against 4 unknown accused persons against whom there is an allegation that they have committed *dacoity* on a truck and fired gun shot to the driver of the truck by which he become injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



also submits that the petitioner is not named in the FIR and his name has been figured in this case only by virtue of his own confessional statement. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on TIP.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there is only criminal case pending against him in which he is on bail. The petitioner is in custody since 28.07.2023 in the present case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in the rejection order, the Sessions Court has categorically indicated the *modus operandi* of the crime and the petitioner has been identified at least three places including the doctors, petitioner's own confessional statement and statement of other accused persons.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Bhaptiyahi P.S. Case No. 65 of 2023, pending before the learned Chief Judicial Magistrate, Supaul is **hereby rejected**.

9. Liberty is hereby granted to the petitioner that he



may renew his prayer for bail six months after framing of charge.

**(Dr. Anshuman, J.)**

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