

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26272 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- MAHESHKHUNT District- Khagaria

Niraj Kumar Son of Bipin Yadav Resident of Village- Tikarampur, P.S.-
Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Maheshkhunt P.S. Case No. 112/2023 lodged on 03.06.2023
under Section 302, 397, 427, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against unknown persons with an allegation that some
miscreants fired upon the informant's brother due to which he
succumbed to firearm injuries.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured
in this case during the investigation. He is not named in the



F.I.R. He admits that fact that he is *khallasi* of the alleged vehicle. Counsel further submits that the criminal antecedent of the petitioner is clean. The petitioner is in custody since 05.06.2023. He further submits that other co-accused persons have been granted bail vide order dated 08.11.2023 passed in Cr.Misc. No. 72037 of 2023 and vide order dated 20.02.2024 passed in Cr. Misc. No. 9081 of 2024.

5. Learned APP for the State opposes the prayer for bail and submits that though there is no allegation against this petitioner but at the time of granting bail this aspect must be taken into consideration that it is the case of murder.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail **after framing of charge, if the charge is not framed yet** and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned Judicial Magistrate, Khagaria in connection with Maheshkhunt P.S. Case No. 112/2023 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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