

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25954 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- KARPURIGRAM District- Samastipur

Niranjan Kumar S/O Laddu Lal Sah R/O Village- Yogyamath, P.S-
Karpurigram, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Karpurigram P.S. Case No. 135/2023 lodged on 17.11.2023
under Sections 399, 402 of the Indian Penal Code and Section
25 (1-B)a, 26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against six named accused persons, including the present
petitioner against whom there is an allegation that they were
planning to commit robbery. But, in the meantime, on the basis
of secret information, the police raided and apprehended them.
During raid, arms and other materials have been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. It is true
that the arms have been recovered, but the said recovery has



been made from the possession of co-accused, Bhola Kumar and Himanshu Kumar. Nothing has been recovered from the possession of the petitioner. The petitioner is accused in four more criminal cases and he is in custody since 18.11.2023. Moreover, similarly situated co-accused, namely, Bhola Kumar has been directed to be released on bail, after six months of the framing of the charge vide order dated 22.02.2024 passed in Criminal Miscellaneous No. 10970 of 2024.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after six months of the framing of charge, if not framed and the trial Court on being satisfied that the petitioner is not absconding in Tajpur P.S. Case No. 505/2022 (ii) Tajpur P.S. Case No. 528/2022 (iii) Ujiarpur P.S. Case No. 420 of 2023 and (iv) Karpurigram P.S. Case No. 134/2023,** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class,



Samastipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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