

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38767 of 2024

Arising Out of PS. Case No.-781 Year-2023 Thana- BIHTA District- Patna

Niranjan Rai @ Niranjan Kumar Son of Late Ramdev Rai Resident of
Paschimi Suarmerwa, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s :	Mr. Brajendra Nath Pandey, APP
For the Informant :	Mr. U.K. Singh, Advocate
	Ms. Sunidhi Vimal, Advocate
	Ms. Sonika Vimal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Ghanshaym Tiwary, learned counsel for
the petitioner, Mr. U.K. Singh, learned counsel appearing on
behalf of the informant as well as Mr. Brajendra Nath Pandey,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.02.2024 in connection with Bihta P.S. Case No. 781 of 2023,
F.I.R. dated 29.07.2023 for the offences punishable under
Sections 147, 148, 149 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. According to prosecution case, all the accused
persons including this petitioner were illegally cutting sand from
the land of the informant's father and on protest co-accused,



namely, Anish Rai and Praveen @ Binu started firing indiscriminately and also shot informant's father who died during treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act attributed against this petitioner rather the allegation of firing is against the co-accused, namely, Anish Rai and Praveen @ Binu. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ajit Kumar @ Ajeet Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 7439 of 2024 and another co-accused, namely, Nipendra Singh @ Ex Mukhiya Nipendra Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2024 passed in Cr. Misc. No. 8921 of 2024. The petitioner is in custody since 22.02.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and



submits that the petitioner is named in the F.I.R and apart from that the petitioner carries 5 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in 4 matters out of 5 cases.

6. 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 the learned Additional Chief Judicial Magistrate-I, Danapur (Patna) in connection with Bihta P.S. Case No. 781 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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