

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56313 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- PATEPUR District- Vaishali

Niraj Kumar @ Manager Son Of Nagdeo Poddar Village- Patepur, Ward No. 8, P.S.- Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Patepur P.S. Case No. 206 of 2023, registered for the offence punishable under Sections 399/402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. The police on a tip of assemblage of miscreants to commit a crime, raided the place of occurrence and apprehended five persons, including the petitioner. On search from possession of the petitioner, one loaded country made pistol has been recovered.

4. Learned Advocate for the petitioner contended that in fact nothing has been recovered from the possession of the petitioner. However, only on account of past criminal antecedent of the petitioner in three other criminal cases, the name of the



petitioner has been implicated in this case, while he was standing along with the other accused persons. It is next contended that the crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated since 20.08.2023, for about a year. Co-accused person, having allegation of recovery of cartridge has been granted bail by this Court in Cr. Misc. No. 44343 of 2024, the copy of which has been placed on record by way of Annexure-P/2.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears three criminal antecedent, which suggest that the petitioner is a habitual offender, involved in such type of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the crime, in question, is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Vaishali District Court at Hajipur in connection with Patepur P.S. Case No. 206 of 2023, subject to the condition that one of the bailors will be the close relatives of



the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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