

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67447 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- UJIYARPUR District- Samastipur

Niraj Kumar @ Neeraj Kumar Son of Late Umesh Kumar Resident of Village
- Harpur, Ailoth, Ward No.13, P.S. - Musrigharari, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Rajnish Kumar Singh, learned counsel
for the petitioner and Mr. Umanath Mishra, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.08.2024 in connection with Ujiarpur P.S. Case No. 198 of
2024, F.I.R. dated 05.08.2024 for the offences punishable under
Sections 309(6) and 61(2) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, an altercation took
place between the driver of the tanker and swift dzire car where
the persons sitting inside the car have assaulted with the driver
of the tanker and also tried to stole things.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Manish Kumar @ Prince and nothing has been recovered from the conscious possession or the house of the petitioner and even nothing has been recovered from the house of the co-accused, Manish Kumar who disclosed the name of the petitioner. The petitioner is in custody since 05.08.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, name of the petitioner has been transpired on the basis of the confessional statement of the co-accused and nothing has been recovered from the conscious possession of the petitioner, 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 Sub Divisional Judicial Magistrate, Dalsinghsarai in connection with Ujarpur P.S. Case No. 198 of 2024, 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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