

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67161 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- LALGANJ District- Vaishali

Niraj Kumar @ Chhotu, S/O Nand Kishore Singh, R/O Vill- Hussaina Khurd,
Ps- Goroul, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77010 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- LALGANJ District- Vaishali

Nand Kishore Singh @ Nandkishore Singh Son of Late Kapil Dev Prasad
Singh R/O Vill.- Hussaina Khurd, P.S.- Goroul, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 67161 of 2024)
For the Petitioner/s : Mr. Ujjwal Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP
(In CRIMINAL MISCELLANEOUS No. 77010 of 2024)
For the Petitioner/s : Mr. Ujjwal Kumar, Advocate
For the State : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 06-12-2024 1. Heard Mr. Ujjwal Kumar, learned counsel for the
petitioners and Mr. Binod Kumar No.3, learned APP for the
State.
2. The petitioners apprehend their arrest in connection
with Lalganj P.S. Case No. 207 of 2024 dated 15.07.2024
registered for the offence(s) punishable under Section(s) 308(5)



and 308(4) of the Bhartiya Nayay Sanhita, 2023.

3. The main submissions advanced by the learned counsel appearing for both the petitioners are that the petitioner no.1 Niraj Kumar @ Chhotu and petitioner no. 2 Nand Kishore Singh @ Nandkishore Singh are son and father, the FIR has been registered against unknown giving the details of some mobile numbers which were allegedly used in making extortion demand from the informant but both the petitioners have no connection with the said mobile numbers and they have been made accused mainly on the basis of confessional statement of co-accused persons with whom both the petitioners have inimical term. It is further submitted that petitioner no.2, Nand Kishore Singh @ Nandkishore Singh is 70 years old having fair and clean antecedent and there is no evidence against him at this stage except the confessional statement of co-accused persons.

4. Learned APP appearing for the State has opposed the bail prayer of both the petitioners but fairly accepted that against both the petitioners there is no material except the confessional statement of the co-accused persons but the investigation is still pending against both the petitioners.

5. Heard both the sides and perused the FIR and order



impugned. Though, the FIR has been registered against unknown and the petitioners have taken the plea that they have no concern with the mobile numbers of which details has been given in the FIR, which were allegedly used in making the extortion demand however, considering the seriousness of the allegation and mainly taking into account the criminal antecedent of petitioner no.1 Niraj Kumar @ Chhotu who is also accused in Sarai P.S. Case No. 11 of 2024 registered under Sections 302 and 120B of the I.P.C. and in the present matter, the investigation is still pending, in my opinion, the said **petitioner no. 1 (Niraj Kumar @ Chhotu) does not deserve to the privilege anticipatory bail. Accordingly, his prayer stands rejected.**

6. So far as the prayer of **petitioner no.2 (Nand Kishore Singh @ Nandkishore Singh)** is concerned though at this stage the materials are same as available against the petitioner no.1 (Niraj Kumar @ Chhotu) however considering his old age as well as his fair and clean antecedent, this court is inclined to grant him the privilege of anticipatory bail. Accordingly, **let the petitioner no. 2 (Nand Kishore Singh @ Nandkishore Singh),** in the event of his arrest/surrender before the learned court below within a period of six weeks from today,



be released on anticipatory bail in connection with Lalganj P.S. Case No. 207 of 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 484(2) BNSS.

7. The petitioner no.1 (Niraj Kumar @ Chhotu) is granted a liberty to surrender before the court below, if he surrenders within two weeks from today then the learned trial court shall decide his regular bail prayer without being prejudiced with this order according to merit.

(Shailendra Singh, J)

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