

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81984 of 2023

Arising Out of PS. Case No.-497 Year-2021 Thana- HARNAUT District- Nalanda

Niraj Kumar @ Munna Kumar Son Of Late Shiv Chandra Prasad Sharma @
Shivchandra Singh @ Chandu @ Chandru Singh R/O Village- Daili, P.S.-
Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Amar Nath Singh, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Harnaut P.S. Case No. 497 of 2021, F.I.R. dated 25.10.2021 for the offences punishable under Sections 147, 149, 341, 323, 337 and 504 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. According to prosecution case, on 25.10.2021, a mob of about 150 persons including the petitioner, was returning, after filing nomination of one co-accused person, namely, Manjusha Devi, while they arrived at the door of the house of the informant, they started raising slogans and also engaged in brick-batting.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He submits that due to political rivalry the present occurrence took place between the parties. He further submits that as per the FIR there is allegation against the petitioner along with others to fire upon the prosecution side but did not hit any person. He submits that similarly situated other co-accused persons have already been granted bail by the different Co-ordinate Bench of this Hon'ble Court vide order dated 07.07.2023 passed in Cr. Misc. No. 9332 of 2023 and vide order dated 17.05.2023 passed in Cr. Misc. No. 1813 of 2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Harnaut P.S. Case No. 497 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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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