

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86614 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Niraj Kumar @ Neeraj Kumar Son of Ram Sajan Roy Resident of Village -
Ward No. 1, Surajpura, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Shashank Shekhar, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bibhutipur P.S. Case No. 437 of 2022, F.I.R.
dated 23.11.2022 for the offences punishable under Sections
302/201/34 of the Indian Penal Code.

3. According to prosecution case, on 21.11.2022
Bhola Rai, Aman Kumar @ Kante and Niraj Kumar (petitioner)
along with few unknown persons took away the informant's
bhagina towards Sanjaat deshri, Bibhutipur forcibly and killed
him by hanging him through his neck and threw his body in
field and hide his face by mud.

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 the allegation as alleged in the FIR is false and fabricated. He further submits that the informant is not the eye-witness of the alleged occurrence and date of occurrence as alleged in the FIR is 21.11.2022 but present FIR is instituted on 23.11.2022 i.e. after delay of two days without giving any explanation of the said delay. He further submits that it has come during investigation in the Paragraph '34' of the case diary that one Aman Kumar @ Kante has been arrested and he has confessed that he has committed the crime in question along with other co-accused persons including the petitioner. He further submits except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in the Paragraph '34' of the case diary that one Aman Kumar @ Kante has been arrested and he has confessed that he has committed the crime in question along with other co-accused persons including the petitioner and apart from that the petitioner carries one criminal



antecedent other than the present one but fairly submits on the basis of Paragraph '3' of the bail petition, the petitioner is on bail in the pending matter.

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 SDJM, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 437 of 2022, 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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