

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3304 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- NAUBATPUR District- Patna

1. Niranjan Ram @ Niranjan Kumar S/O Late Rang Nath Ram R/O Village-Paltuchatni, P.S- Naubatpur, Distt.- Patna, Bihar.
2. Kunal Ram @ Kunal Kumar S/O Late Rang Nath Ram R/O Village-Paltuchatni, P.S- Naubatpur, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nishikant Sharma
		Ms. Madhumay Madhup
		Mr.Anand Kumar Tiwari
For the Opposite Party/s :		Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Naubatpur P.S. Case No. 341/2023 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

3. As per prosecution case, informant got secret information that some miscreants were gathered at the house of co-accused Niranjan Ram at Paltuchati village and on the receipt of such information, the raid was conducted by the informant. It is alleged that one country made pistol and one live cartridge was recovered from the possession of the co-accused



Guddu Yadav. Petitioners and others were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case on account of village rivalry. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 20.05.2023 and bear no criminal antecedent. He further submits that there is no specific overt-act attributed against the petitioners. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused Ramphal Ram @ Ramphal Mahto has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.81800/2023 and on the principle of parity, the petitioners deserve also same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of petitioners, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Danapur, Patna in connection with Naubatpur P.S. Case No. 341/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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