

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3284 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Niraj Kumar S/O Chandrakant Mishra R/O Vill - Nawada P.S. - Katra Dist –
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Anurag Saurav, Advocate
		Mr. Ankesh Bibhu, Advocate
		Mr. Abhishek Kumar, Advocate
		Ms. Sharda Raje Singh, Advocate
		Mr. Vaibhav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Sadar P.S. Case No. 79 of 2024 registered for the alleged offences under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, brother of the informant was found dead and during investigation, the name of petitioner transpired for being involved in the murder of brother of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. First time the name of petitioner transpired in this case on the basis of the information received from the informer of the police that the deceased was in illicit relationship with the wife of the petitioner and for this reason, petitioner got the deceased murdered with the help of his acquaintance co-accused Vishwajeet. Learned counsel further submits that however, this petitioner was interrogated for three days by the police and thereafter, he was allowed to go to his house and no confessional statement was recorded at that time. When the police did not find any clue to the murderer, they falsely implicated the petitioner. Learned counsel further submits that there is no eye witness to the occurrence and no tangible material has come up showing involvement of the petitioner in the present case. Except for the statement of the informer, there is nothing against the petitioner. Learned counsel further submits that the petitioner is having antecedent of one case and he is on bail in such case. The petitioner is in custody since 04.08.2024 and charge-sheet has been submitted.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the co-accused was identified on the



basis of CCTV footage and this petitioner was seen with the co-accused Vishwajeet who has also been apprehended.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur/court concerned in connection with Sadar P.S. Case No. 79 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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