

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6183 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

Niraj kumar @ Niranjan Kumar S/o Ram Prasad Ram R/o vill - Sundarpur,
P.s.- Sheohar, Distt.- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Ravikant S/o Late Mamaraj, 20B C Coy SSB,
Kundwachainpur, Motihari, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar No.III, Adv.
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, A.P.P.
For the U.O.I.	:	Mr. Kumar Ganesh Gunjan, (CGC)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kundwachainpur P.S. Case No. 83 of 2024, registered for the offences under Sections 414, 34 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, the informant received information about a person bringing pistol from Nepal to India and a trap was laid and three persons riding a motorcycle were seen entering into the border of India. They were signalled to stop but they started running away on seeing the police party. Two of them fled away from the spot and co-accused Chandan Kumar was apprehended and nothing was recovered from



possession of the co-accused. However, from the motorcycle recovery of 7.65 mm pistol and two cartridges of same calibre were made. The apprehended co-accused named this petitioner and one Bikki who owned these illegal firearms. The informant showed his suspicion that the motorcycle was stolen.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. He is named in this case merely on the basis of suspicion and on saying of co-accused Chandan Kumar. The petitioner is in custody since 14.06.2024 and he has no criminal antecedent. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State and learned counsel for the U.O.I oppose the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that nothing incriminating has been recovered from the petitioner and further considering his period of custody, clean antecedent and submission of charge sheet, the petitioner is



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Sikrahna at Dhaka, East Champaran/concerned court, in connection with Kundwachainpur P.S. Case No. 83 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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, if so required by the learned trial court.
- (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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