

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5893 of 2025

Arising Out of PS. Case No.-256 Year-2024 Thana- RAJAPAKAR District- Vaishali

Niraj Kumar, Son of Rambharosh Mahto, Resident of village - Chand Chour,
Ps- Ujyarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Rajapakar P.S. Case No. 256 of 2024 registered for the offence punishable under Sections 310(4), 310(5), 317(5) of the Bharatiya Nyaya Sanhita, 2023 and 25(1-b)a, 26 and 35 of the Arms Act.

3. The police on a tip off assemblage of miscreants raided a mango orchard and apprehended four persons including the petitioner. From the possession of the petitioner one country made pistol loaded with one live cartridge was recovered.

4. There is total denial of any recovery from the possession of the petitioner. Learned Advocate appearing on behalf of the petitioner contended that in fact on account of past criminal antecedent, the name of the petitioner has been



implicated in this case, showing the recovery of arms and ammunition. However, the co-accused person having identical allegation and from whose possession arm has been recovered, has been allowed the privilege of regular bail by this Court in Criminal Miscellaneous No. 79667 of 2024 vide order dated 20.12.2024. It is further contended that now the petitioner has been incarcerated since 20.07.2024. The investigation of the crime is complete and the chargesheet has been submitted. Moreover, the petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears four criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused persons having identical allegation has been allowed the privilege of regular bail and now the petitioner has been incarcerated since 20.07.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-cum-Additional Munsif 7th, Vaishali at Hajipur in connection with



Rajapakar P.S. Case No. 256 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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