

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14745 of 2025**

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Nischay Kumar @ Raju @ Vikrant Raj, aged about 30 years, male, S/o- Uma Shankar Rai, resident of Daudpur, P.S. Shahpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

2      28-02-2025                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Phulwarisharif PS Case No.1539 of 2022 dated 14.12.2022, instituted under Sections 396, 37 of the Indian Penal Code and Section 27 of the Arms Act in which charge-sheet has been submitted under Sections 396, 397, 412, 413 of the Indian Penal Code and Sections 25(1-B)A, 26, 27, 35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant was sitting in his friend's house, namely, Rajiv Ranjan. Three unknown criminals having guns in their hands entered into the house and tried to snatch gold chain from the neck of his friend. When the informant's friend tried to take out pistol from his waist, one of the



miscreants fired on him. On hearing gun shot, the father of his friend came and then the miscreants fired on him also. It is also alleged that three miscreants were standing outside the house and they also tried to enter into the house and they also fired on the brother of his friend. All the three victims received serious injury and were taken to hospital, where, Rajiv Ranjan, friend of the informant was declared dead.

4. Learned counsel for the petitioner submits that the FIR has been lodged against unknown persons. Only on the basis of confessional statement of Mithilesh Kumar @ Chibla @ Mithilesh Kumar @ Chiula, the petitioner has been made accused in this case. Nothing has been recovered either from the conscious possession or from the house of the petitioner. No test identification parade has been done as yet. It is also submitted that co-accused, Mithilesh Kumar @ Chibla @ Mithilesh Kumar @ Chiula has been granted bail by a co-ordinate Bench of this Court vide order dated 18.10.2023 passed in Cr. Misc. No.67677 of 2023 and co-accused, Rajesh Kumar @ Nakat Gop has been granted bail by this Court vide order dated 09.08.2024 passed in Cr. Misc. No. 53725 of 2024. It is also submitted that several other accused have also been granted bail by this Court. Further submission is that the petitioner is in custody since



03.02.2023 having three criminal case against him. Charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- XIV, Patna, in Phulwarisharif PS Case No.1539 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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, and (v) that the petitioner shall appear before the Officer-in-Charge of the Police Station of his area within fifteen days of his release along with a copy of this order and thereafter every fortnightly to mark his attendance till the conclusion of the trial.

7. The application stands allowed.

**(Khatim Reza, J)**

J. Alam/-

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