

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20419 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- JAKKANPUR District- Patna

Niraj Kumar S/O Late Bikram Prasad@ Bikram Sah R/O Village- Parsa Garh
Bazaar, P.S- Ekma, Dist.- Saran (Chapra), Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2025 Heard Mr. Avanish Kumar Singh, learned counsel
for the petitioner and Ms. Sharda Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jakkanpur P.S. Case No. 382 of 2024, F.I.R. dated 17.07.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 109 and 3(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. According to prosecution case, the petitioner along with other accused persons have assaulted the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further



submits that from perusal of the F.I.R it appears that although the petitioner is named in the F.I.R. but from the perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act against this petitioner rather the specific allegation of assault is attributed against the co-accused persons, namely, Manmohan Kumar and Adarsh Kumar and the petitioner might be the member of the mob and there is no specific allegation of any assault or overt act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Patna in connection with Jakkanpur P.S. Case No. 382 of 2024, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

U		T	
---	--	---	--

