

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61735 of 2025**

Arising Out of PS. Case No.-436 Year-2024 Thana- BIDUPUR District- Vaishali

Niraj Kumar @ Niraj Mahto @ Niraj Mahto Son of Rudal Mahto R/o Village
- Kanchanpur, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-09-2025 Heard Mr. Anil Kumar, learned counsel for the
petitioner and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No. 436 of 2024, instituted for the offences
punishable under Section 109 of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the petitioner
along with other co-accused persons have demanded extortion
from the informant and when the same was not fulfilled by the
informant, the petitioner fired upon the informant and his cousin
due to which both of them sustained fire-arm injuries in right
leg.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that both the parties belong to the same family and the present allegation has been made against the petitioner on the basis of a family dispute. There was no any intention of the petitioner to commit murder of the informant. No any demand of extortion has been made by the petitioner. It is further submitted that the injury received by the informant is simple in nature and the injury received by the informant's cousin is grievous in nature. The petitioner is in custody since 16.12.2024 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs.



15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bidupur P.S. Case No. 436 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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