

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15305 of 2026

Arising Out of PS. Case No.-40 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Md. Niyaj @ Md. Niyaz S/O Md. Naim @ Nayeem Resident Of Village- Tara
Bariyarpur West, Ward No. 1, P.s.- Khodawandpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2026 Heard Mr. Shashi Dhar Jha, learned counsel for the

petitioner and Mr. Mithlesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail in connection with S.T. No. 55
of 2025 arising out of Cheria Bariyarpur P.S. Case No. 40 of
2024, F.I.R. dated 25.02.2024 for the offences punishable under
Sections 307 and 34 of the IPC and Section 27 of the Arms Act.

3. According to prosecution case, five accused persons
intercepted the informant and his son and started firing upon
their vehicle due to which the vehicle got uncontrolled and hit
the electric pole.

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 petitioner is not named in the F.I.R and his name has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Nitesh Kumar and the said Nitesh Kumar has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 14.02.2025 passed in Cr. Misc. No. 86315 of 2024. The petitioner has been remanded in the present case from Cheriya Bariyarpur P.S. Case No. 79 of 2024 on 02.07.2024.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedents other than the present one but fairly submits that out of nine cases he is on bail in three cases, in three cases he has been acquitted by the learned trial court and rest three cases are pending for consideration before the competent court of law.

6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R, similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court as well as period of custody, let the petitioner, above named, 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 Additional Sessions Judge



Manjhaul, Begusarai in connection with S.T. No. 55 of 2025 arising out Cheria Bariyarpur P.S. Case No. 40 of 2024, subject to the 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)

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