

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4266 of 2015

Arising Out of PS.Case No. -148 Year- 2011 Thana -MOKAMAH District- PATNA

1. Nirjesh Kumar @ Naga Singh Son of Shri Swaraj Singh, Resident of Village - Moldiyar Tola, P.S. - Mokama, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Kumar

For the Opposite Party/s Mr. Madhuranand Jha(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 24.04.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is named in the first information report but according to the prosecution case itself, petitioner did not take active part in the alleged occurrence rather he has been made accused in this case as conspirator of the alleged occurrence.

It appears from perusal of the first information report that the petitioner was made accused in the case of murder of brother of the informant and his trial was going on in the concerned court. It further appears from first information report that to prevent the informant to depose in the aforesaid case, petitioner hatched up a conspiracy along with others and in pursuant to the aforesaid conspiracy, other FIR named accused committed alleged crime.

Admittedly, alleged occurrence is said to have taken place on 30.7.2011 whereas fardbeyan of informant was recorded on

27.8.2011. Explanation regarding the aforesaid delay was given in the fardbeyan of the informant that just after alleged occurrence, his brother had given a written information to the higher officials in respect of alleged occurrence but there is no written information on the entire case diary.

Moreover, except criminal antecedent of the petitioner as well as the above stated facts, there appears to be nothing against him.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Ashutosh Kumar, Judicial Magistrate, Ist Class, Barh, Patna/concerned court in Mokama P.S. Case no. 148/2011 subject to the condition that one of the sureties must be father of the petitioner.

shahid

(Hemant Kumar Srivastava,J)

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