

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69491 of 2018

Arising Out of PS. Case No.-413 Year-2017 Thana- BAKHTIYARPUR District- Patna

NITISH KUMAR @ NITISH YADAV son of Kapil Yadav, resident of
Village- Belthan, P.S. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Bakhtiyarpur P.S. Case No. 413 of 2017 registered for the offence punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of Arms Act.

Allegation against petitioner is that he was one of the members of the mob who came to the house of informant among whom Kamlesh fired upon him and although he escaped pellet but was hit by gunpowder. Kamlesh and Kaushal fired upon his cousin brother which hit him at his thigh and subsequently he died due to excessive bleeding.

There is no allegation of any overt act against



petitioner. Allegation is that he was present as a member of mob.

In facts and circumstances of the present case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Barh, Patna, in connection with Bakhtiyarpur P.S. Case No. 413 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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