

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23747 of 2018

Arising Out of P.S.Case No. -592 Year- 2017 Thana -SAHARSA District- SAHARSA

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Nitish Kumar, son of Harilal Sharma, resident of Village- Dhamsaini (Tola Morkahi) Ward No. 8 Sulindabad P.S. & District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Saharsa P.S.Case No.592 of 2017 registered for an offence under Sections 302 and 201 of the IPC.

The informant in his fardbeyan given before police has alleged that on account of land dispute, the petitioner and his family members hatched plan and committed murder of his full brother.

It has been submitted that the present case has been lodged merely on suspicion. There is no eye witness to the occurrence. The victim died in different circumstance at different place. The brother of the informant left the house on 06.06.2017 and the dead body was recovered at Sadar Hospital on 11.06.2017. In the case diary, I find that some of the witnesses have stated about prevailing land dispute between the two families and



except that there is nothing on record showing complicity of the petitioner in the above crime. The other co-accused has been allowed bail by one of the coordinate Bench of this Court in Cr.Misc.No.2020 of 2018. The petitioner is in custody since 08.11.2017.

The learned APP opposed the submissions.

Considering the facts and circumstances, the prayer for bail is allowed. Let the above named petitioner 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 Sri S.K.Modi, CJM at Saharsa in connection with Saharsa P.S.Case No.592 of 2017 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail

(Sanjay Kumar, J)

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