

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39363 of 2018

Arising Out of PS.Case No. -179 Year- 2017 Thana -MOKAMAH District- PATNA

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Nitish Kumar @ Badal, Son of Ramdev Kevat, Resident of Village-
Dayachak, Naya Tola, Barh, P.S.- Barh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
04.02.2018 in connection with Mokama P.S. Case No. 179 of
2017 for offences punishable under Sections 302/201/34 of the
Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that he found an injured person near the semi-
finished house and while being treated in the hospital, he
succumbed to the injuries.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, not named
in the F.I.R. and has been falsely implicated in the aforesaid case.



He further submits that it is only on the basis of the CDR location of the mobile and as per the confessional statement of the petitioner before the police, he has been made accused. He submits that even in the confessional statement the petitioner has alleged that the main assailant was one Radhe Shyam Kevat and the petitioner was one of his accomplice. He further submits that charge sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the informant as well as learned APP for the State oppose the prayer for bail stating therein that although the petitioner had not been named in the F.I.R. but during investigation his name surfaced and on the basis of CDR location of the mobile and the place of occurrence and the petitioner was found to be possessing the said mobile. His confessional statement also shows his involvement in the alleged murder.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Barh, Patna, in connection with Mokama P.S. Case No. 179 of



2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

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