

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15441 of 2019

Arising Out of PS. Case No.-175 Year-2016 Thana- UDWANTNAGAR District- Bhojpur

Nitish Kumar, aged about 22 years, male, Son of Late Rajendra Ram,
Resident of Village - Dariyapur, P.S.- Udwantnagar, District – Bhojpur,

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Udwantnagar P.S. Case No. 175 of 2016.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of love affair between the daughter of co-accused Kamlesh Ram and the informant's son (deceased). After due investigation, police has submitted final form and the petitioner along with accused persons have been sent up for trial. Charge sheet has been filed only against co-accused Kamlesh Ram and Dhirendra Kumar. Even according to the FIR, no specific overt act has been alleged against the petitioner rather co-accused Vishal Kumar and Gautam Kumar are alleged to have been armed with pistol. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Ara (Bhojpur) in connection with Sessions Trial No. 240 of 2018 arising out of Udwanthnagar P.S. Case No. 175 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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