

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22423 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- DUMRAO District- Buxar

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Nishan Kumar @ Nishar Paswan @ Nishan Paswan, aged about 25 years
(Male), Son of Ishwar Lal, Resident of Village - Englishpur, Rampur Mathiya
Talab, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and 27 of the Arms Act.

Submission is that informant Pramod Kumar
Srivastava stated that his younger brother Dinesh Kumar
Srivastava is Manager of Dumrao State and also run self
business of Poultry farm at 26.06.2018 at 9.10 A.M. informant
brother taken lurch went to Dumrao Estate Office at 1.10 P.M.
came Phone of Mobile that his brother is shot fire at Sant Joseph
School gate and taken away hospital for treatment then
informant reached the Hospital then saw his brother lying in bed



and dead. Then he has given knowledge that his brother came from Allahabad Bank the two motorcycle persons fired upon him and he found dead.

The petitioner is a man of clean antecedent. The petitioner is innocent and has committed in this case at the instance of their enemies. The petitioner is not named in the FIR only on the basis of the suspicion.

The petitioner is in custody since 31.07.2018.

The co-accused has been granted bail by this Hon'ble Court vide Cr. Misc. No. 76566/2018 dated 29.01.2019.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIIrd, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 261/2018 , subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate 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.

(Anjani Kumar Sharan, J)

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