

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78620 of 2018

Arising Out of PS. Case No.-252 Year-2018 Thana- GAURICHAK District- Patna

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Nitish @ Niti Kumar son of Nalam Rai @ Bali Ray @ Rambali Ray, Resident
of Village- Jaganpura, P.S. Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey
For the Opposite Party/s : Mr.Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 09-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Gaurichak P.S. Case No.
252/18 registered for the offence punishable under Sections
147, 148, 149 and 302 of the Indian Penal Code.

Informant has alleged that his elder brother had gone in
market to purchase some articles for performance of Puja and he
was informed that some persons are assaulting him and he went
there with his another brother and found that ten F.I.R. named
accused are assaulting his brother by means of lathi, danda,
farsa and bricks. Anyhow, he brought his brother and admitted
him in N.M.C.H. hospital, however, he succumbed to his
injuries.



It has been submitted that petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of restatement of the informant in which it has been stated that the petitioner was also one of the assailants who was present at the place of occurrence. Charge-sheet has been submitted against the petitioner. Petitioner has no criminal antecedent and he is in custody since 26.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Patnacity in connection with Gaurichak P.S. Case No. 252/18 , with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

Sanjay/-

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