

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71252 of 2018

Arising Out of PS. Case No.-591 Year-2011 Thana- SITAMARHI District- Sitamarhi

Nitesh Singh @ Nitesh Kumar Singh Son of Shyam Babu Singh, Resident of
Village- Tariyani Chapra, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
05.06.2017 in connection with Sitamarhi P.S. Case No.591 of 2011
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as per the fardbeyan of Sanjay Kumar
recorded by Sitamarhi P.S. is to the effect that on 07.09.2011 at
11.00 A.M. the father and brother of the informant were going to
Sitamarhi on motorcycle but in the way, Sudhir Kumar, Vijendra
Gupta stopped their motorcycle and Vijendra Gupta put pistol on
right temporal region of his father and fired as a result he fell down
on road while the brother of the informant flee away towards
Bhasar village. The informant and Ravindra Singh came at the
place of occurrence on motorcycle and saw that his father was



injured who told him that Sudhir Kumar and Vijendra Gupta fired upon him. The informant took his injured father to Sitamarhi hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioner that the presence of the petitioner on the spot has neither been conveyed by the deceased before he died or by the brother of the informant. Till date the petitioner has not been put on TI parade and no recovery has been made from the petitioner. However, petitioner is accused in eight other cases.

Considering the fact that the accusation of firing is only made against Vijendra Gupta and Sudhir Kumar, who have been named in the FIR and the fact that there is no recovery from the petitioner, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No.591 of 2011.

(Dinesh Kumar Singh, J)

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