

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63347 of 2019

Arising Out of PS. Case No.-276 Year-2019 Thana- KHAGARIA District- Khagaria

Nitish Kumar, aged about 32 years (Male), Son of Tilo Mahto, Resident of Village - Rajendra Nagar Awas Board (Ranko), P.S.- Muffasil, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-11-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks regular bail in connection with Khagaria Muffasil P.S. Case No. 276 of 2019 registered under sections 302, 120(B) of the IPC and Section 27 of the Arms Act.

The allegation against the petitioner is that the petitioner dragged brother of the informant and Ganit Kumar co-accused fired upon the brother of informant leading to his death.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as from perusal of the first information report it would be evident that three persons including Ganit Kumar had called



brother of the deceased from his house and it has further been alleged that the petitioner along with other accused persons accordingly dragged to the place of occurrence where the Ganit Kumar co-accused fired leading to his death. Learned counsel further submits that only allegation against the petitioner that he dragged the brother of the informant from motorcycle along with other accused person. Learned counsel further submits that the similarly situated accused person Ranvir Kumar has been granted bail by this Court in Criminal Miscellaneous No. 70072 of 2019. Learned counsel further submits that from investigation of the police it has come in paragraph 5 and 8/ case diary that along with other accused person Ganit Kumar was trying to clear the pistol and due to the accidental fire of the pistol the bullet hit the deceased causing his death. Learned counsel for the petitioner also submits that the petitioner is in custody since 30.04.2019.

After having heard learned counsel for the parties and taking into consideration the fact that similarly situated accused person has been granted bail by this Court in Criminal Miscellaneous No. 70072 of 2019 and the petitioner is in custody since 30.04.2019, therefore, I am inclined to grant regular bail to the petitioner.

Accordingly, the petitioner, above named, is directed



to be released on bail upon furnishing bail bond of Rs. 20,000/-
(Twenty thousand) with two sureties of the like amount each to
the satisfaction of the learned Chief Judicial Magistrate,
Khagaria in connection with Khagaria Muffasil P.S. Case No.
276 of 2019.

(Anil Kumar Sinha, J)

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