

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72790 of 2019**

Arising Out of PS. Case No.-287 Year-2019 Thana- BARAUNI District- Begusarai

NITISH KUMAR SINGH @ NISHI RAI, Male, aged about 35 years, Son of Ram Singh @ Ramakant Singh, Resident of Village - Nipania, P.S.- Phulwaria, Distt – Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sandip Kumar Gautam, Advocate.
For the Opposite Party : Mr.Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 18-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 323, 307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 29.06.2019 at about 8.00 A.M. while the informant was closing his Sand Stone shop, co-accused Ajit Kumar alias Bhola, Rahul Kumar, Sushil Kumar, Karma Kumar, Nishi Raj and five unknown persons came and assaulted him with pistol butt and fist and tried to take him away with four wheeler. Co-accused Bhola Rai and Rahul Kumar assaulted him with pistol butt and broke his



head and took Rs. 15,000/-. Co-accused Karma Kumar snatched a golden chain and Rishi Kumar took away a golden locket and Sushil Kumar with the help of his *Gamachha* started to kill him by pressing his neck and tried to take him away by vehicle, Thereafter, they fled away.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 04.09.2019. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The specific allegation of assault is against Bhola Rai and Rahul Kumar. There is no injury report on record to support the allegation made in the F.I.R. As far as the petitioner is concerned, general and omnibus allegation has been made against him. No specific overt act is alleged against the petitioner. As far as Section 379 IPC is concerned, the same is triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.



Begusarai, in connection with Barauni P.S. Case No. 287 of
2019.

(Sudhir Singh, J)

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