

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6505 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Nishant Kumar @ Nishu @ Nishant, S/O Niraj Kumar, Resident of Village -
New Sipahi Tola, P.S. - K.Nagar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr.Saket Tiwary, Advocate
For the Opposite Party/s :		Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 29-05-2020 The matter has been listed today for consideration
through video conferencing in view of the nationwide lockdown
on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard Mr. N.K. Agrawal, learned Senior Counsel
appearing for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with K. Nagar
(Shrinagar) P.S. Case No.184 of 2019 instituted for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.



The F.I.R. has been lodged by the father of the deceased, wherein specific allegation is made against accused Rupesh Kumar, Lallan Kumar Yadav and Sabida Yadav of killing the informant's son near the rice mill. The petitioner's name in the instant case has surfaced on confessional statement of co-accused, namely, Lallan Kumar Yadav and Santosh Kumar Chaudhary.

The further case of the prosecution allegedly emerging in the investigation is that the petitioner was found possessing the SIM number of one Sangeeta Devi, wife of the deceased. Sangeeta Devi has also been named as a conspirator in the alleged occurrence.

Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioner submits that from perusal of paragraphs 133, 134, 135, 139 and 142 of the case diary, it is obvious that on the date of occurrence, the petitioner was not in possession of the SIM card. He further submits that possession of the SIM card of Sangeeta Devi or talking to her on phone cannot be made the basis of the petitioner's implication. The petitioner is submitted to be a student of M.I.T., Rambagh and it is also submitted that he has no criminal antecedents. The petitioner is in custody since 01.09.2019.



Learned APP for the State has opposed the prayer for bail. It has been submitted that the material has come in course of investigation to connect the petitioner with the accused persons who have been named by the informant.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with K. Nagar (Shrinagar) P.S. Case No.184 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Chief Judicial Magistrate, Purnea and the competent authority of the State in terms of clause (3) i of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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