

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.450 of 2020**

Arising Out of PS. Case No.-454 Year-2019 Thana- HILSA District- Nalanda

NITISH KUMAR Son of Sri Dinesh Prasad Resident of Village - Yarpur, P.S.-
Hilsa, Distt - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kr. Choudhary with Mr.Bhola Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 20-03-2020 Appellant seeks bail in connection with Hilsa
P.S.Case No. 454 of 2019 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code, Section 27 of
the Arms Act and Section 3 (x)(G)(H) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, while informant was
irrigating his field accused persons surrounded him and there is
also allegation of firing on the father of informant, who anyhow
escaped and mother of informant has died due to assault to her.

Submission of learned counsel for the appellant is that
the though there is allegation of firing against the appellant but
post mortem report completely demolished the prosecution case
as there is no firearm injury found on the person of deceased
and moreover there is enmity between the parties from before



and appellant is in custody⁸ since 11.11.2019 and charge sheet has been submitted.

Heard learned Special P.P.

In view of above facts and circumstances, this appeal is allowed and the impugned order dated 9.1.2020 is set aside.

Let appellant, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Nalanda at Biharsharif, in connection with Hilsa P.S.Case No. 454 of 2019.

(Vinod Kumar Sinha, J)

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