

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8755 of 2020

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

NIKESH KUMAR Son of Kailash Yadav Resident of Awas Board Ranko,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate.
For the State : Mr. Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 02-06-2020 Heard through Video Conferencing.

The petitioner seeks bail in connection with
Supplementary Khagaria (Mufassil) P.S. Case No.276 of 2019
registered under Sections 302 and 120B/34 of the Indian Penal
Code besides Section 27 of the Arms Act.

The accusation is that on 27.04.2019 at about 09.00
A.M., Niranjan Gupta accompanied Ravish Kumar, the brother
of the informant, from the house and took him on the road,
where Ganit Kumar, Nikesh Kumar (petitioner) and Gaurav
Kumar were present from before with motorcycle. They asked
Ravish Kumar, the brother of the informant, to accompany them
for going to the market, then Ravish Kumar, the brother of the
informant, also accompanied them with his motorcycle for



going to the market but they carried him to Sonebarsa Diara, where Pandav Kumar, Nitish Kumar and Ranvir Kumar were present. Thereafter, they after getting down the brother of the informant from the motorcycle took him after dragging and all caught hold of the brother of the informant. Thereafter, Ganit Kumar shot fire at the brother of the informant, whereas Nikesh Kumar (petitioner) pulled his nail, due to old dispute.

Submission is that, in fact, there was some dispute between the parties with regard to grazing of the cattle but the matter was pacified. Thereafter, when the co-accused Ganit Kumar and Ravish Kumar, the brother of the informant, were removing the cartridge from the pistol, in that course, one misfiring was made from the pistol and Ravish Kumar, the brother of the informant, sustained injury. This fact has come in the statements of the witnesses, as detailed in paragraphs-5 and 8 of the case diary. Further submission is that the petitioner has no criminal antecedent and is in custody since 07.12.2019. On investigation, the police has already submitted the chargesheet against the petitioner. Furthermore, the co-accused Ganit Kumar has already been granted the privilege of bail by a Coordinate Bench of this Court vide order dated 29.05.2020 passed in Criminal Misc. No.1235 of 2020.



Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with Supplementary Khagaria (Mufassil) P.S. Case No.276 of 2019.

(Rajendra Kumar Mishra, J)

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