

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18061 of 2020**

Arising Out of PS. Case No.-293 Year-2019 Thana- GORAUL District- Vaishali

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NISHU KUMAR Son of Ajay Kumar Srivastav @ Ajay Kumar Resident of  
Village - Goraul, Bhagwanpur, P.O. - Garul, P.S. - Goraul, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Sinha

For the Opposite Party/s : Mr.Shantanu Kumar

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      09-09-2020                      Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 20.08.2019 at about 9:00 pm when he was at his home, a child came there and informed him that someone has shot his father near Railway Gumti. After getting information, informant along with his cousin namely Md. Aabid rushed there by his motorcycle and saw Wagon-R vehicle at some distance from the Railway Gumti and when he reached near the vehicle found his father lying seriously injured inside the vehicle and blood was oozing out from his mouth, neck and thereafter, Informant took his father to PHC Goraul, where no doctor was present at that



time. Later on Informant took his father to Prashant Hospital, Jurawanpur where doctor declared him brought dead. FIR is against unknown.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in the FIR. Informant is not the eye witness of the said occurrence. Petitioner has been implicated in this case only on confessional statement made by co-accused Pawan Kumar and except confessional statement there is no any other incriminating material against him. Petitioner has been remanded in this case on 18.10.2019 and since then he is in custody.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Goraul P.S. Case No. 293 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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