

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21940 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- GWALPARA District- Madhepura

NITISH KUMAR Son of Bangali Das Resident of Village - Veergaon, P.S.-
Gwalpara (Arar O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Durga Kumari

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Md. Mustaqe Alam, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Gwalpara P.S. Case No. 200 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 02.11.2019 at about 6:20 P.M. the son of the informant was killed by the petitioner and 4-5 unknown persons from *Chhat Ghat*. It is further alleged that the accused persons have murdered the son of the informant by firing gun shot on him and the nephew of



the informant had given him information regarding the aforesaid murder of his son on mobile from Punjab whereafter the informant had reached near the orchard of Maheshwari Das and saw that his son was lying dead smeared in blood.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and he is languishing in custody since 06.12.2019. It is further submitted that there is no eye witness to the alleged occurrence and the petitioner has been falsely roped in the present case merely on suspicion.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the case dairy of the present case. It appears that the petitioner has been roped in the present case merely on suspicion and miniscule evidence is available in the case dairy as far as the petitioner is concerned, however, the investigation is still going on. Thus, this Court is of the view that benefit of doubt can be granted to the petitioner for the purposes of grant of bail, however, with certain conditions.

Accordingly, the petitioner, above named, is directed to 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 learned Judicial Magistrate-1st Class, Madhepura in connection with Gwalpara P.S. Case No. 200 of 2019.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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