

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22379 of 2020

Arising Out of PS. Case No.-38 Year-2019 Thana- BASANHI District- Saharsa

NANDAN KUMAR @ MAZAR S/o Late Umesh Yadav R/o Atalkha, P.S.-
Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 341, 323, 307, 302, 504/34 of the
Indian Penal Code.

The prosecution case in short is that the accused
persons came to the house of the informant and started abusing



him. On protest, the accused person gave *dabia* blow on the father of the informant due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.6.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. It has been submitted on behalf of the petitioner that the trial has already begun. Three prosecution witnesses have been examined including the informant. The deposition of the witnesses are Annexure-2 to the present application. All the witnesses have been declared hostile including the informant who is P.W.-3. The informant has retracted from his earlier statement made in the F.I.R. during the trial.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -Vth, Saharsa in connection with S.



Tr. No. 241/2019 arising out of Basnahi P.S. Case No. 38/2019.

(Sudhir Singh, J)

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