

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50510 of 2019

Arising Out of PS. Case No.-234 Year-2015 Thana- MANSI District- Khagaria

Nitish Kumar, Son of Gopal Yadav, Resident of Village-Thatha, P.S.-Mansi,
District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad

For the Opposite Party/s : Mr.Dashrath Mehta

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

ORAL ORDER

5 22-01-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with Mansi
P.S. Case No. 234 of 2015, registered under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that in the early morning of
12.12.2015, Gopal Yadav, Pandav Yadav, Nitish Kumar
(petitioner) and Gautam Yadav having pistol in their hands
came at the house of informant, Kailash Yadav, while his parents
were sleeping in Fush hut. Thereafter, on identification of his
parents in the bulb light, Gopal Yadav fired through pistol at the
head of his father, Ganesh Yadav, and Pandav Yadav also fired
through pistol at the face of his father. In the meantime, Nitish



Kumar (petitioner) fired at the head of his mother whereas Gautam Yadav also fired at the cheek of his mother. Thereafter, his parents died on the spot.

Learned counsel for the petitioner submits that on investigation, the police submitted charge sheet against co-accused, Pandav Yadav, Mukesh Yadav and Pappu Yadav continuing the investigation against the petitioner and others and thereafter, submitted the final form against the petitioner along with Gopal Yadav and Gautam Yadav but the learned court below took cognizance against them also. The case of Pandav Yadav, Mukesh Yadav and Pappu Yadav was committed to the court of Sessions numbered as Sessions Trial No. 356 of 2016, in which, Pandav Yadav, Mukesh Yadav and Pappu Yadav were acquitted of the charges leveled against them vide Judgment dated 03.04.2019 by the court of F.T.C.-I, Khagaria. It is further submitted that petitioner has no criminal antecedent and is in custody since 02.05.2019. It is further submitted that co-accused, Gopal Yadav and Gautam Yadav have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 08.07.2019 passed in Criminal Misc. No. 41819 of 2019.

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 Mansi P.S. Case No. 234 of 2015. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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