

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86801 of 2019

Arising Out of PS. Case No.-159 Year-2019 Thana- SHANKARPUR District- Madhepura

NITISH KUMAR Son of Binod Yadav Resident of Village - Maura Khap,
P.S.- Shankarpur, Distt – Madhepura. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

5 02-06-2020

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120(b), 34 of the Indian Penal Code.

Informant who is wife of the deceased has alleged that on 09.10.2019 at about 9.30, her deceased husband Dipak Thakur told her that he is going to the house of Dharmendra Yadav for attending a Bhoj. The informant's husband went along with Banti Yadav, Nitish Kumar and other eight persons named in the F.I.R. At 11.45 p.m. in the night, the informant's husband called her on her mobile and told her that he is returning but at about 3.00 a.m., mobile of Dipak Thakur was found to be switch off. On next day, i.e., on 10.10.2019 at about 10.30 a.m., the informant came to know that her husband has



been murdered and his dead body has been thrown in Bahiyar canal in village Gorraha. The informant suspected that all the FIR named accused have killed her husband.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to village politics. It is further submitted that deceased had enmity with co-accused Banti Yadav on account of unlawful sale of wine but petitioner is in no way connected with co-accused Banti Yadav and only on the basis of suspicion, he has been implicated in this case. Petitioner has no criminal antecedent and he is in custody since 22.10.2019.

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 Shankarpur P.S. Case No. 159 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 absence on two consecutive dates without sufficient reason, his 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)

Sanjay/-

U		T	
---	--	---	--

