

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14444 of 2021**

Arising Out of PS. Case No.-160 Year-2019 Thana- GOPALPUR District- Patna

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NITESH KUMAR @ NITISH KUMAR @ NITISH KUMAT KEWAT S/O
MISHRI MALLAH @ MISHRI KEBAT @ CHANDESHWAR SINGH R/o
village- Sampatchak, P.S.- Gopalpur, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nitya
Nand Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Gopalpur P.S. Case No. 160 of 2019 registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code. He is in custody since 26.07.2020.

Learned counsel for the petitioner submits that as per
the prosecution story, the deceased had left his house at about 10
o'clock on 12.06.2019, he did not return till night and in course
of search his dead body was found in the morning behind the

boundary of Style Bazar.

Learned counsel submits that in course of investigation confessional statement of co-accused Sunny Kumar was extracted by police in which it has come that the deceased, said Sunny Kumar, this petitioner and some others were friends who were involved in committing theft and they had a fight over distribution of the booty in which the nephew of the informant namely Ankit was killed.

Learned counsel submits that the entire case is based on mere suspicion and on the confessional statement of the co-accused Sunny Kumar. It is further informed that Sunny Kumar @ Sunny Sanki has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 19804 of 2020. Similarly situated accused namely, Vishal Kumar, Ravi Kumar and Ravindra Kumar have been granted privilege of anticipatory bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 62937 of 2019 and Cr. Misc. No. 81271 of 2019. It is submitted that the petitioner has got one criminal antecedent.

Mr. Nitya Nand Tiwary, learned A.P.P. for the State does not controvert the submission of the learned counsel for the petitioner.

In the circumstances stated above, this Court directs

release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.- XXVI, Patna in connection with Gopalpur P.S. Case No. 160 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.