

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16224 of 2021**

Arising Out of PS. Case No.-321 Year-2020 Thana- BENIPATTI District- Madhubani

NITISH KASHYAP S/O Bhogendra Narayan Chaudhary R/o Village -
Chapura, Purwari Tola, P.S. - Benipatti, District - Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP Incharge for the State in absence of Mr. Sunil Kumar Pandey, learned APP.

The petitioner in the present case is seeking regular bail in connection with Benipatti P.S. Case No. 321 of 2020 corresponding to G.R. No. 1606 of 2020 registered for the offences punishable under Sections 448, 341, 323, 326, 307, 385, 380, 504 of the Indian Penal Code and Sections 37(b), 37(c) of Excise Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is of abusing and assaulting the informant in intoxicated condition.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is in jail since 07.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that although there is an allegation that this petitioner had assaulted by a knife but it is also claimed that the villagers apprehended him and informed the police, the police did not recover any knife from possession of the petitioner, nothing incriminating was recovered from him, the petitioner has remained in custody for about 7 months, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 321 of 2020 corresponding to G.R. No. 1606 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

