

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22509 of 2021

Arising Out of PS. Case No.-251 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. Nitish Kumar, Son of Nand Kishore Yadav, Resident of Village- Divradhani, Haldibari, P.S.- Barhara, District- Purnea.
2. Kundan Kumar, Son of Nand Kishore Yadav, Resident of Village- Divradhani, Haldibari, P.S.- Barhara, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel appearing for the petitioners submits that petitioner no.2, Kundan Kumar, has been arrested by the police, so he seeks permission to withdraw this application.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.2, Kundan Kumar.

Heard learned counsel appearing for the petitioner petitioner no. 1 and the learned A.P.P. for the State.



The petitioner no.1, Nitish Kumar, apprehends his arrest in connection with Barhara P.S. Case No. 251 of 2019, registered under Sections 341, 323, 324, 307, 384, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 29.10.2019, at about 8 P.M., Sitesh Kumar Singh @ Munna, son of the informant, Indu Devi, was returning to his house from Dibra Bazar. In the way, five persons named in the FIR including the petitioners stopped him and started to abuse saying that why the ransom amount of Rs.25,000/- per month is not being paid. When her son, Sitesh Kumar Singh @ Munna made protest then Nand Kishore Yadav gave iron rod blow causing injury at his head. On hearing *Hullah*, villagers reached there then all fled away from there. Thereafter, her son, Sitesh Kumar Singh @ Munna was rushed to Sadar Hospital, Purnia but due to non-availability of Doctor, he was admitted to Max-7 Hospital, Purnea.

Learned counsel for the petitioner submits that while petitioner no.1, Nitish Kumar, is named in the FIR but no specific overt act has been attributed against him. In fact, specific allegation has been made against co-accused, Nand Kishore Yadav to cause injury through iron rod at the head of son of the informant. Further submission is that due to dirty



village politics, petitioner no.1 has been implicated in the present case with false allegation. Further submission is that petitioner no.1 has no criminal antecedent.

Having regard to the facts and circumstances of the case, let petitioner no. 1, Nitish Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Barhara P.S. Case No. 251 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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