

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30129 of 2021**

Arising Out of PS. Case No.-243 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

NILESH KUMAR Son of Shankar Prasad Resident of Village - Harpur
Tengrahi, Tola Vritiya, P.S.- Mahammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 12-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 341, 323, 325, 302, 504/34 of the Indian Penal Code.

As per the prosecution case, on 24.10.2020 at 5.00 PM when informant was quarreling with her husband, her mother-in-law came there and started abusing him and she also called the petitioner and other co-accused persons, named in the FIR, and thereafter all the accused persons started assaulting the husband of informant with Lathi, Danda and iron rod as a result of which her husband sustained fractured injury in his hand and became unconscious. Thereafter, her husband was taken to hospital and after treatment when he was returning on 25.10.2020, he died in the way.



Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case due to land dispute and previous enmity between the parties. There is general and omnibus allegation of assault against all the accused persons. No specific overt act has been alleged against the petitioner. Petitioner is in custody since 13.01.2021 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Gopalganj in connection with Mahammadpur PS case No. 243/2020 on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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