

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34899 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

NITESH KUMAR @ AVINASH KUMAR SINGH Son of Kedar Singh
Resident of Village - Dahiyawan Tola Tandi, P.S. - Chapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Venkatesh Kirti

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Chapra Muffasil P.S. Case
No. 273 of 2020, registered for the offence punishable under
Sections 302, 307 and other allied sections of the Indian Penal
Code.

As per the prosecution case, this petitioner is alleged
to have shot Abhishek Singh causing injury on his waist. Co-
accused Prince Kumar fired upon the uncle of informant
namely, Rabindra Singh on his back who died during course of
treatment.

It is submitted on behalf of the petitioner that



petitioner is not the assailant of deceased. He is only alleged to have fired one shot which hit in the waist of Abhishek Singh. In fact on the eve of marriage ceremony celebratory firing was going on in which three persons sustained injuries out of whom one Rabindra Singh died. The same was accidental and not intentional. There is case and counter case and both sides sustained injuries. It is further submitted that petitioner and co-accused Prince Kumar did not open fire rather Abhishek Singh and Rabindra Singh sustained injuries during celebratory firing. Petitioner is in custody since 08.01.2021. Chargesheet has already been submitted. Petitioner is accused in three criminal cases, but he is on bail in all those cases.

Counsel for the informant vehemently opposed the prayer for bail and submitted that there is specific allegation of firing against petitioner as a result of which Abhishek Singh got firearm injuries and petitioner has got criminal antecedent.

Considering the rival submissions made on behalf of the parties, materials available on record and the fact that the alleged occurrence took place in Harsh firing, which was not deliberate and intentional rather accidental, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IXth, Chapra in connection with Chapra Muffasil P.S. Case No. 273 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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