

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37305 of 2021

Arising Out of PS. Case No.-312 Year-2019 Thana- HARNAUT District- Nalanda

Nitish Yadav @ Nitish Kumar S/O Vishwanath Yadav R/O Village-Kharuwara, P.S-Harnaut (CHERO O.P.), District-Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Uma Shankar Sharma, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-09-2021 Heard learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 302, 504 IPC along with Section 27 of the Arms Act.

Earlier, bail application of the petitioner was rejected by this Court vide order dated 28.05.2020 and order dated 10.03.2021 passed in Cr. Misc. No. 148 of 2020 and Cr. Misc. No. 39288 of 2020 respectively.

Allegation against the petitioner is that he along with other accused persons fired upon right thigh of son of the informant when he was returning home after irrigating his field, resultantly, son of the informant died.

In pursuance to the order dated 28.07.2021, status report of trial in connection with Harnaut (Chero O.P.) P.S. Case No. 312 of 2019 has been received and kept at Flag-P, in which



it is reported that out of nine none official prosecution witnesses, only one witness has been examined on 19.01.2021.

Learned senior counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It has been alleged by the father of the deceased that one Rajesh Yadav caught hold of his son and he was fired at by one Ashok Yadav and Nilesh Yadav (petitioner). Postmortem report also shows that the cause of death is hemorrhage shock due to bullet injury. He also submits that as per FIR petitioner fired upon the thigh of the deceased. He further submits that petitioner bears three criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 27.06.2019.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Harnaut (Chero O.P.) P.S. Case No. 312 of 2019.

(Anjani Kumar Sharan, J)

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