

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37942 of 2021**

Arising Out of PS. Case No.-822 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

NITESH KUMAR @ NITESH THAKUR S/O RAMAKANT THAKUR R/O  
VILLAGE MURADPUR BHARAT, P.S AHIYAPUR, DISTRICT-  
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      18-08-2021                      Heard Mr. Hari Kishore Thakur, learned counsel for  
  
the petitioner and Mr. Nawal Kishore Prasad, learned Additional  
  
Public Prosecutor appearing for the State through video  
  
conferencing.

Petitioner seeks regular bail in connection with  
Ahiyapur P.S. Case No. 822 of 2019 registered for the offences  
punishable under Sections 147, 148, 149, 341, 323, 324, 307  
and 302 of the Indian Penal Code 1860.

This is second attempt for grant of regular bail on  
behalf of the petitioner inasmuch as earlier the bail application  
of the petitioner was rejected by this Court vide order dated  
24.11.2020 passed in Cr. Misc. 24382 of 2020 with liberty to  
renew his prayer for grant of regular bail after six months.



The allegation against the petitioner as per the First Information Report is that the petitioner along with other named accused persons, with common intention, assaulted the son of the informant with brick on his head causing injury to him and another co-accused Mukesh gave Farsa blow upon son of the informant (since deceased).

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to dispute regarding drainage between the parties and both the parties are agnates/neighbour, and they have been living side by side. Learned counsel further submits that the allegation of assault upon son of the informant is against two persons, but only one injury has been found on the deceased. Learned counsel next submits that the petitioner is in custody since 10.7.2019 and referring to paragraph-9 of this application submits that the trial is not likely to be concluded in near future due to Covid-19 pandemic.

Regard being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 10.7.2019, the trial is not likely to be concluded in near future due to Covid-19 pandemic as well as this is second attempt on behalf



of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-10th, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 822 of 2019 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J)**

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