

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32941 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- KASHICHAK District- Nawada

NIKKU KUMAR, Son of Vijay Mahto @ Vijay Prasad Resident of Village -
Bhatta, P.S.- Kashichak, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 13-04-2021 Heard Mr. Dilip Kumar Jha, learned counsel for

the petitioner and Mr. Rajendra Singh, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kashichak P. S. Case No. 164
of 2019, dated 10.10.2019, instituted for the offences
under Sections 341, 323, 324, 338, 307, 504 and 34 of
the Indian Penal Code.

The petitioner is said to have given a sword
blow to the brother of the informant which has resulted
in injuries on his person. However, learned counsel for
the petitioner has drawn the attention of this Court to



two paragraphs of the case-diary viz paragraph nos. 29 and 64, in which one of the independent persons of the village, namely, Usha Devi has stated that the name of the petitioner has wrongly been inserted in the F.I.R. as the petitioner was not present on the day of the occurrence.

This statement has been verified by the Investigating Officer whose statement has been recorded in paragraph 64 of the case-diary in which it has been stated that on enquiry from several independent persons of the village, it came to light that the petitioner had gone to play cricket along with his friends to Biharsharif and has falsely been implicated in this case.

Regard being had to the afore-stated facts collected during the course of investigation and taking into account the clean antecedents of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /



production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Nawada, in connection with Kashichak P. S. Case No. 164 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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