

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32132 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- BIHRA District- Saharsa

NITISH KUMAR S/o Sri Rajendra Yadav R/o village- Bela Bagroli, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 27-01-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 03.02.2020 in connection with Bihra P.S. Case No. 152 of 2019 for the alleged offences under Sections 302, 386/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged extortion of Rs. 50,000/- and subsequent murder of the informant's brother by the accused persons including the petitioner. It is submitted that the petitioner has not been named in the FIR, rather his name has transpired on the extra judicial confessional statement of co-accused Anil Kumar. The case of the petitioner is almost identical with that of the said co-accused Anil Kumar, the latter having been granted provisional bail by this Court in Cr. Misc. No. 20545



of 2020. The petitioner is accused in one prior case of similar nature.

4. Learned APP appears and has been heard. He has not pointed to any specific material in the case diary against the petitioner, who appears to be similarly situated as co-accused Anil Kumar.

5. Be that as it may and having regard to the period of custody already suffered since 03.02.2020, let the petitioner above named be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 152 of 2019, if he is not otherwise required in any other case.

6. The provisional bail granted to the petitioner shall be confirmed subject to the condition that the provisional bail of co-accused Anil Kumar is confirmed by the learned Court below.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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