

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35008 of 2020

Arising Out of PS. Case No.-169 Year-2020 Thana- BAKHARI District- Begusarai

NITISH KUMAR @ NITISH PASWAN Son of - Mukhi Lal Paswan Resident
of Ward No. 01, Karaitanr, Samsa, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Ajay Kr. Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-02-2021 Heard the learned counsel for the petitioner and
Sri Ajay Kr. Jha, the learned APP for the State.

The petitioner seeks regular bail in connection with Bakhri PS case no. 169 of 2020 instituted for the offences punishable under Sections 363, 302, 201, 120B/34 of Indian Penal Code.

The allegation is regarding the son of the informant namely Mithlesh Kumar having gone out from his house towards Sultani Bahiyar, after he received a call on his mobile and when he did not return, the informant and the co-villager had made search for the son of the informant and subsequently, his dead body was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 30.04.2020. The learned counsel for the petitioner has further submitted that the petitioner has been falsely roped in the present case merely at the instance of the co-accused person namely Amit Kumar, on suspicion, however he has got no role to play in the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that there is miniscule evidence on record so as to connect the petitioner with the alleged crime. It appears that the co-accused person namely Amit Kumar was having love affair with one girl, to which objections used to be made by the deceased, who happens to be the uncle of the said girl and the said co-accused Amit Kumar, in conspiracy with the other accused persons, is stated to have killed the deceased on account of the said objections being made by him, however in the case diary, the C.D.R. shows the complicity of the said co-accused person namely Amit Kumar, however no substantial evidence has been found as against the petitioner herein.



Accordingly, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Begusarai in connection with Bakhri PS case no. 169 of 2020.

(Mohit Kumar Shah, J)

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