

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49195 of 2021

Arising Out of PS. Case No.-416 Year-2020 Thana- PARBATTa District- Khagaria

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VISHWAKARMA KUMAR @ NISHANT KUMAR S/o- RAJ KISHORE
SINGH Resident of Village- Srirampur Tudhi, P.S.- Parbatta, District-
Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302, 307, 34 of the Indian
Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 11.11.2020 at about
10 PM while the informant along with Nakul Sharma were
sitting at his Bathan, this petitioner along with three other FIR
named accused persons and six unknown persons arrived, armed
with country made pistol, and started to abuse and dragged them
towards Kishori Bathan Banmakia. It is further alleged that they
started assaulting them and co-accused Vipul Singh and Satyam
Kunwar fired upon Nakul Sharma as a result of which he died
on the spot. It is further alleged that while informant tried to run



away, co-accused Satyam Kunwar fired upon him which hit his right hand arm and elbow.

Learned counsel appearing for the petitioner submits that petitioner is not the assailant of the deceased. Specific allegation of firing is against other accused persons and no overt act has been alleged against this petitioner rather he is simply a member of unlawful assembly. Petitioner claims clean antecedent and is in custody since 11.04.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Khagaria in connection with Parbatta PS case No.416/2020.

(Prabhat Kumar Singh, J)

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