

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37971 of 2020

Arising Out of PS. Case No.-72 Year-2019 Thana- CHAORI District- Bhojpur

NITISH KUMAR Son of Surendra Singh Resident of Village-Yoga Kharaicha
Dihari Tola, Police Station-Chouri, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-03-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chauri P.S. Case No. 72 of 2019 for the offence registered
under Sections 341, 323, 324, 307/34 of the Indian Penal Code.
Section 302 of the Indian Penal Code was added later on to
the set of allegations.

The prosecution story, in brief, is that on 13.05.2019
at about 12.00 P.M. in the night, the informant came to know
that some dispute had arisen in between his nephew and Nitesh
Kumar so he went to solve the dispute but on the way, all the
F.I.R. named accused persons including the petitioner started
abusing the informant and in the meantime, accused Gita Devi
came and ordered to kill the informant upon which, all the
accused persons started assaulting the informant, however, in the
meantime, the brother of the informant namely Yogendra Singh



came to rescue him upon which the accused persons also started assaulting his brother, who died during the course of treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.07.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses as far as the petitioner is concerned. The petitioner has falsely been implicated in the present case. The alleged occurrence is said to have taken place at 12.00 P.M. in the night. Source of identification has not been disclosed by the prosecution. The case was instituted for an offence under Section 307 and other allied Sections of the IPC. Later on, after one week, Section 302 of the IPC was added. General and omnibus allegation has been alleged against the petitioner. Neither specific overt act is alleged against the petitioner nor specific injury is alleged against the petitioner.

The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court by orders dated 17.09.2019, 02.12.2019 and 17.01.2020 passed in Criminal Misc. No. 58657 of 2019, Criminal Misc. No. 78282 of 2019 and Criminal Misc. No. 86313 of 2019.



Per contra, the learned A.P.P. for the State Ms. Anita Kumari Singh has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the materials available on record as also those available in the case dairy as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chauri P.S. Case No. 72 of 2019.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

