

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6120 of 2021

Arising Out of PS. Case No.-71 Year-2019 Thana- BHARGAMA District- Araria

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NISHIKANT DAS @ NISIKANT DAS Son of Late Sufal Das Resident of
Village- Naya Bhargama Ketan Tola, Ward No. 03, P.S.- Bhargama, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302 & 120B/34 of the Indian
Penal Code.

The prosecution case, in brief, is that love affairs
had been going on in between the son of the informant and
daughter of Manoj Das for one year ago. The son of the



informant was called in the night by the girl at her house. After sometimes, the informant started searching his son and during the course of search, the informant came to know that his son was kept in the house of accused Manoj Das by tying his hand and feet. When the informant went there, he found that all the accused persons including the accused petitioner, being variously armed, were brutally assaulting his son. The informant requested them to leave his son, but the accused persons did not pay any heed and the accused persons, namely, Chandra Kishore and Manoj Das also started assaulting the informant with feet and lathi. Thereafter, the informant fled away from there and went to the ward member and Sarpanch and told them about the occurrence, and when they reached there, the informant found that the accused persons after committing the murder of his son put his body on the ground.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to ill motive. No specific overt act has been alleged against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the deceased was committing rape with Mala Kumari, the



daughter of accused Manoj Das and on hulla raised by co-accused Manoj Das, the villagers gathered there and they brutally assaulted the deceased due to which he succumbed to his injury. The victim Mala Kumari is in remand home and the informant taking advantage of the situation lodged this false and frivolous case against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 02.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhargama P.S. Case No.71 of 2019.

(Anjani Kumar Sharan, J)

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