

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3602 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

Nitish Kumar aged about 19 years, (Male) Son of Shivrath Singh @ Shivjee,
Resident of Village-Samaspura Police Station- Dariyapur District Saran at
Chapra .

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr Satya Prakash Advocate
For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 29-06-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

2. Heard learned counsel for the petitioner and learned
counsel for the State

3. The petitioner seeks bail in Dariyapur P.S. Case No.
265 of 2020, instituted for the offence under
Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the
Indian Penal Code.

4. Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

5. 35 named along with 10-15 unnamed persons have
come with various arms and assaulted the prosecution party.

6. The learned counsel for the petitioner submits that prior
to the alleged occurrence on 05.08.2020, the co-accused, namely
Basanti Devi had already lodged Dariyapur P.S. Case No. 263 of



2020 on 04.08.2020, wherein she has alleged an assault by the prosecution parties in the process of forcibly taking away certain lands. The instant case is a counterblast to Dariyapur PS Case No. 263 of 2020. Without any specific assault being attributed against him, his name has been mentioned along with others, leading to his custody since 07.08.2020 though he has no criminal antecedents. Similarly situated co-accused persons, namely, Basanti Devi, Jai Prakash Singh @ Om Prakash Singh and Shivnath Singh @ Shivjee have been granted bail vide orders passed in Cr. Misc. Nos.39539 of 2020 and 6402 of 2021.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, 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 the **learned ACJM 13th Saran at Chapra**, in connection with **Dariyapur P.S. Case No. 265 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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