

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5703 of 2021**

Arising Out of PS. Case No.-332 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

NITISH KUMAR SINGH, SON OF PRITHVI SINGH, RESIDENT OF  
VILLAGE – JAMSIKRI, P.S-MUFFASIL, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                         |
|--------------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Rama Kant Sharma, Sr. Advocate<br>Mr. Lakshmi Kant Sharma, Advocate |
| For the Opposite Party/s | : | Mr. Manoj Kumar No.1, APP                                               |

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      13-04-2021                      Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant, who is brother of the deceased, has alleged that on 19.07.2020 at about 4:00 p.m., he received an information that his brother, Birendra Kumar Yadav, has been killed by firearm near Bharat Furniture Godown. On the alleged date of murder, while informant's deceased brother was sleeping, he got a call at 2:00 – 2:30 p.m., from his co-villager, Hasmuddin Mian, asking him to come. Informant prevented his brother to go but he went away along with Atiullah. When informant reached at the place of occurrence, he saw that his



deceased brother was lying in a pool of blood on the road and by his side, his motorcycle was also there. According to informant, 4-5 days, back Nitish Kumar Singh (petitioner) has threatened to kill his brother. Informant has suspected that Hasmuddin Mian, Atiullah and Nitish Kumar Singh under a conspiracy have killed his brother.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that name of the petitioner has been roped in this case on the pretext that 4-5 days earlier to the date of occurrence, he has given threat to the deceased brother of the informant but surprisingly, absolutely there is no material or motive in support of threat nor any information was given to any lawful authority about the threat perception. It is contended that except so-called confession while in judicial custody, there is absolutely no material available against the petitioner. Petitioner has no criminal antecedent and he is in custody since 14.08.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the



case is pending in connection with Muffasil P.S. Case No. 332  
of 2020 with following conditions:-

(1) Bailors should be local having sufficient  
immovable property within the jurisdiction of the court  
concerned.

(2) Petitioner shall co-operate in the trial  
and shall be properly represented on each and every date  
fixed by the court and shall remain physically present as  
directed by the Court and his absence on two  
consecutive dates without sufficient reason, his bail bond  
shall be cancelled by the court below.

(3) If the petitioner tampers with the  
evidence or the witnesses of the case, in that case,  
prosecution will be at liberty to move for cancellation of  
bail of the petitioner.

**(S. Kumar, J)**

Sanjay/-

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