

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8868 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- RANIYATALAB District- Patna

Nitish Kumar @ Nitish Sharma Son Of Umesh Kumar @ Umesh Sharma
Resident Of Village- Sadavah, P.S- Dulhin Bazar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and Mr. B. N. Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rani Talab P.S. Case No. 105 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant has alleged that his elder brother used to do exercise for preparation of physical examination and maintaining good health. It is alleged that on 11.05.2020, this petitioner and others, variously armed, have tried to kill the informant but they could not succeed. In the



meantime upon instigation of this petitioner the other co-accused has shot his brother by pistol who died on the spot.

Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is alleged to have instigated other persons to fire shot for which the petitioner is in custody since 13.05.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner but has not controverted the submission of the learned Senior Counsel for the petitioner that the petitioner is the order giver.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned Senior Counsel for the petitioner that the petitioner has been brought in this case as an order giver, however, the specific allegation of firing fatal shot has been made against co-accused Ujjawal Kumar and Pappu Kumar, learned counsel for the State having not controverted that this is a regular bail application and petitioner is at best an order giver against whom investigation is complete and he is custody since 13.05.2020 and there being no submission on behalf of the State that release of this petitioner is likely to result in tampering with evidence and interfering with



the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 105 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

