

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4496 of 2022**

Arising Out of PS. Case No.-25 Year-2021 Thana- KHODAWANDPUR District- Begusarai

NITISH KUMAR, S/o Arun Mahton, R/o Village - Telni, Pushaho, P.S. -  
Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      16-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Khodawandpur P.S. Case No. 25 of 2021  
registered for the alleged offences under Sections 302, 201 and  
34 of the Indian Penal Code.

As per prosecution case, the husband of the  
informant went missing and later on his dead body was  
recovered from an isolated place. The informant named the  
petitioner and two other co-accused persons for being  
perpetrators of the crime against her husband.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the alleged occurrence and the petitioner has been named due to previous enmity. There is no material which might have come on record during investigation against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 04.10.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner. Learned APP further submits that the petitioner has earlier also threatened the deceased and it has come in the statement of witness that the petitioner was having love affair with niece of the deceased and the deceased forbade the petitioner and his niece from indulging in such act. The husband of the informant died due to neurogenic and haemorrhagic shock caused by hard and blunt object and this fact has been mentioned in the post mortem report and there was fracture of cranial bones.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against this petitioner to connect him with the offence as alleged, the petitioner above named is

directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhaul (Begusarai) in connection with Khodawandpur P.S. Case No. 25 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/daya

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