

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6651 of 2022**

Arising Out of PS. Case No.-148 Year-2021 Thana- PARWALPUR District- Nalanda

Nikesh Kumar @ Raviranjana Kumar Son of Anil Sharma Resident of Village-
Sonchari, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Anil Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 29-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Parwalpur
P.S. Case No. 148 of 2021 registered for the offence under Sections
302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.08.2021.

The allegation against the petitioner is to commit murder
of husband of informant, along with other co-accused persons/family
members over long-standing land disputes/family disputes.

Learned Senior counsel, Shree Rama Kant Sharma,
appearing on behalf of the petitioner submitted that occurrence



appears as a free fight, suggesting thereto that petitioner was not under intention to cause death. It is also submitted that for the same set of occurrence, where the mother of deceased is also an eye witness, a separate case was lodged on same day which was registered as Parwalpur P.S. Case No. 149 of 2021, where nothing alleged against this petitioner rather it has been, specifically, submitted that it was the deceased, who fired upon petitioner, causing chest injuries. It is also submitted that, as per F.I.R., though petitioner appears as first assailant but subsequently, with same set of weapons, assault was made by other co-accused persons and under the circumstances it is difficult to be convinced that, it was the petitioner, who made fatal assault. It is submitted that several eye witnesses of this occurrence during the course of investigation suggest that both petitioner and deceased received injuries during the course of occurrence. While concluding the argument, it has been submitted that deceased and petitioner both are own brother and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel, Mr. Anil Kumar Singh, appearing on behalf of informant, while opposing the prayer of bail, submitted that the specific allegation, as regard to fatal assault, appears against this petitioner but fairly conceded that for the same set of occurrence, a case was also lodged by mother of



deceased, who is also the mother of this petitioner, claiming an eye witness of the occurrence, which has been registered as Parwalpur P.S. Case No. 149 of 2021, narrating different version.

Considering the facts and circumstances as mentioned above, as occurrence is of free fight in nature, where mother of deceased claiming an eye witness of the occurrence, also lodged a case having separate version, negating allegation against this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parwalpur P.S. Case No. 148 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption



from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Anil Kumar, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

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

