

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11278 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- ISLAMPUR District- Nalanda

Niwash Kumar Son of Yogendra Prasad Resident of Village- Gopalganj, P.S.-
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be re-
moved within a period of four weeks from today.

Petitioner seeks bail in a case registered for the of-
fences punishable under Sections 302/34 of Indian Penal Code.

According to prosecution case, one Ranjit Kumar @
Munna alleged that on 23.08.2021, Niwas Kumar came to his
house on motorcycle and called in his son Rajbir Kumar @
Manish and took him to the new constructing house of Suraj
Saw of village Amrudiyabigha where three other FIR named
accused persons were already present and all of them have fired
four shots on Rajbir Kumar @ Manish which caused his death.
The reason of dispute is that deceased used to oppose the illegal
liquor trade of Niwas Kumar.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific overact was alleged against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that during course of investigation it has come in para 43 and 44 of case diary that the sisters of the deceased who is eye witness of the alleged occurrence have not supported the allegation against the petitioner. He further submits that in fact, the informant is not the eye witness of the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.08.2021.

The learned counsel for the informant as well as learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that in paragraph no. 11 and 12 of the case diary the independent witness has supported the case against the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Sessions Trial No. 863 of 2021, arising out of Islampur P.S. Case No. 438 of 2021, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

sanjeev/-

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

