

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27096 of 2022

Arising Out of PS. Case No.-38 Year-2011 Thana- BELDOUR District- Khagaria

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NITYANAND @ NITYANAND KUMAR @ SHASHI KUMAR @
NITYANAND SINGH SON OF RAMOTAR SINGH R/O VILLAGE-
BISHANPUR, P.S.- BELDAUR, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-08-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

Allegation against the eight accused persons including the petitioner herein is of having resorted to indiscriminate firing leading to the death of the informant's brother.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 12.8.2021 (Annexure-1). A number of co-accused including Pawan Singh, Rajendra Singh, Laleshwar Singh and Ramawatar Singh have been enlarged on bail by different orders brought on record as Annexure-3 series to the petition. The petitioner has remained in custody since 13.3.2020 and there is no progress whatsoever in the trial in the learned trial court. The petitioner



undertakes to cooperate in the trial.

Heard learned APP for the State.

A report was called for from the learned trial court. As per the report received contained in letter dated 16.7.2022 of the learned Addl. Sessions Judge V, Civil Court, Khagaria, charge was framed on 21.3.2022 and the case is fixed for prosecution evidence.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, grant of bail to the above named co-accused, the petitioner having remained in custody for more than two years and the stage of the case in the learned trial court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 89(A) of 2012 (arising out of Beldaur P.S. Case no. 38 of 2011) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI, Khagaria, subject to following conditions:

(I) The wife of the petitioner shall be one of the bailors of the petitioner, and,

(II) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

Spd/-

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