

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39481 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- BIRPUR District- Supaul

NIHAL KHAN Son of Sikendra Khan Resident of Village- Kushahar Arazi,
Police Station- Balua Bazar, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code.

As per the prosecution case, the eleven named accused persons came variously armed and over land dispute it is stated that Dhirendra Mishra, Ritesh Mishra and Vikash Mishra assaulted the brother of the informant leading to his death. It is further stated that the others including the petitioner herein beat up the informant causing injury.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case as a result of land dispute which would be evident from the FIR



itself. The allegation of assault on the deceased is specific on the three named accused persons and not the petitioner herein. The petitioner is in custody since 1.4.2021 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner being in custody for more than 9 months and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 192 of 2021 (arising out of Birpur (Balua Bazar) P.S. Case no. 304 of 2020) 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 Addl. Sessions Judge VII, Supaul.

(Partha Sarthy, J)

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