

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40581 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

NILESH KUMAR @ NILESH RAI S/o Birendra Rai @ Birendra Ray
Resident of Village- Durjan Chak, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 09.02.2021, seeks
regular bail in connection with Koilwar P.S. Case No. 408 of
2020 dated 28.09.2020 registered for offences punishable under
Sections 147, 148, 149, 341, 323, 307, 302, 427, 379, 504 and
506 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that on 28.09.2020, while
the informant along with Siya Ram Rai (deceased) was sitting at
community hall of the village, the F.I.R. named accused
persons, including the petitioner came there and started abusing
and assaulting informant and on protest, all of them assaulted
and injured the informant. It is further alleged that co-accused



persons made indiscriminate firing, as a result of which, several persons from the informant side got injured and one persons, namely, Siya Ram Rai died during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that there is no allegation of firing against the petitioner and he is only alleged to be the member of the mob. The petitioner has no criminal antecedent. He further submits that similarly situated co-accused, namely, Hawaldar Rai @ Hawaldar Ray has already been released on bail by this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 39182 of 2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case and rival submission it appears that there is no allegation of assault to have been committed by the petitioner on the deceased namely, Siya Ram Rai. There is ample evidence that the petitioner has assaulted the co-accused Dharam Veer however, the same is not supported by in absence of the final injury report. The other co-accused persons have already been



enlarged on bail. The name of the petitioner has come in this case merely on suspicion. The petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 408 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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