

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40407 of 2021

Arising Out of PS. Case No.-1051 Year-2020 Thana- NAWADA District- Nawada

NIKHIL KUMAR Son of Surendra Yadav @ Surendra Kumar R/o Village -
Margarbigha, P.S. and District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate
Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 17-05-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Nawada Police Station Case No. 1051 of 2020, registered for
the offences punishable under Sections 341/323/325/307/
504/506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as per the First Information
Report, is that the petitioner has allegedly fired upon the
informant, while he was returning home on his motorcycle, due
to the fact that the petitioner and co-accused persons told the
informant to withdraw the case pending between the parties and
when the informant refused to compromise the case, the



petitioner shot at the back of the informant.

Learned Senior Counsel for the petitioner submits that there is long standing enmity between the father of the petitioner and the informant's family and the petitioner has falsely been implicated in this case due to previous enmity. He further submits that from perusal of the First Information Report, it would be evident that there is specific allegation against the petitioner that bullet fired by him hit the informant in his back, but the injury report indicates the fire arm injury on the chest of the informant. This creates doubt in the prosecution version. He further submits that the petitioner is a student and he in custody since 01.03.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that both the parties are on inimical terms from before, charge sheet has already been submitted and the petitioner is in custody since 01.03.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada Police Station Case No. 1051 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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