

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31177 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- PRATAPGANJ District- Supaul

Nitish Kumar @ Baiju Yadav S/o Sri Rajendra Prasad Yadav Resident of
Village- Imamganj, P.O. Finglish, P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 504,
506/34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in brief, is that the
informant Pramod Kumar Rajak submitted a written report to
the police stating therein that on 31.03.2022 when he was at his
computer shop near N.H. 57, Belhi Pulaa Chowk in the
meantime Manish Kumar Yadav was sitting on a white colour
Apache motorcycle with two unknown persons and three other
unknown persons came with Glamour motorcycle, reached his



shop and started abusing and demanding an amount of Rs.30,000/-, in the meantime one Jageshwar Sharma came there and tried to pacify them and on hulla local people assembled there with two unknown persons escaped on motorcycle and three unknown accused persons started running leaving motorcycle in which two accused persons were caught by local people and they disclosed their names as Prince Kumar and Ranjeet Kumar. On interrogation they disclosed the names of other accused persons. They further disclosed that Manish Kumar and Ashish both armed with weapons and Ashish fired at the time of occurrence.

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 the name of the petitioner has been transpired on the basis of self confessional statement of the petitioner. He further submits that as per F.I.R. allegation of firing against co-accused Ashish Kumar who fired upon the Jageshwar Sharma and there is no allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.04.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of 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 Pratapganj P.S. Case No. 62 of 2022, 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)

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