

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43598 of 2021**

Arising Out of PS. Case No.-151 Year-2019 Thana- SILAO District- Nalanda

NITISH KUMAR S/O BHIM SINGH RESIDENT OF VILLAGE-
KARIYANNA, POLICE STATION-SILAO, DISTRICT-NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE STATE OF BIHAR THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s : Mr. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-03-2022 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 16.01.2020, seeks
regular bail in connection with Silao P.S. Case No. 151 of 2019
(G.R. No. 4149 of 2019) registered for offences punishable
under Sections 341, 323, 307, 504/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Prosecution case, in brief, is that On 28.07.2019 at
about 7:20 p.m. while the informant was going home from
Khandha, the accused Nitish Kumar and Jyotish Kumar
(petitioner) who were having pistol and a revolver in their hands



started abusing him and accused Nitish Kumar fired from his pistol which hit the left leg of the informant and the accused Jyotish Kumar fired from his revolver which hit Prince Kumar on right side of his chest. Accused Bhim Singh also fired from the rifle which hit in his abdominal part and accused Arjun Singh also fired from his rifle.

Learned counsel appearing on behalf of the petitioner submits that the allegation of assault against the petitioner is on one Kaushal Kumar. The injury has been caused on the left leg of the victim. The injury report confirms that the same has been caused not on the vital part of the body rather on the left leg however, injury is grievous in nature. The petitioner has no intention to kill the victim Kaushal Kumar. The other co-accused namely, Jyotish Kumar, who had assaulted Prince Kumar on his right side of chest as well as one Bhim Singh who had also assaulted the informant in his abdomen by rifle have already been released on bail vide order dated 4.6.2020 passed in Cr. Misc. 18329 of 2020 and vide order dated 15.11.2019 passed in Cr. Misc. 68043 of 2019 respectively. Petitioner has clean antecedent and he is in custody since 16.01.2021.

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



had assaulted the victim Kaushal Kumar on his left leg and from the perusal of injury report it appears that the injury is fire-arm injury and is grievous in nature.

Considering the facts and circumstances of the case and the fact that the petitioner has not assaulted the victim with an intention to commit murder which is confirmed by the injury report of the doctor who has found that bullet shot injury is on left leg of the informant and is grievous in nature. The whole incidence has taken place due to political rivalry between the parties due to which, while the informant was passing through the passage in front of the house of the petitioner, he resisted the informant for not going through the said passage. Prima facie it appears that there is enmity between the parties and the same has lead to altercation, the petitioner, above named, is directed to be released 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 Court of Sri V.N. Sagar, Judicial Magistrate 1st Class, Nalanda, Bihar Sharif in connection with Silao P.S. Case No. 151 of 2019 (G.R. No. 4149 of 2019) 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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