

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46541 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- KURTHA District- Jehanabad

NITISH KUMAR Son of Kapil Yadav Resident of Village - Mahuabag, P.S. -
Karpi, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-03-2022 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 sections 302, 201 and 34 of the Indian Penal Code and sections 25(1-B)(a) and 26 of the Arms Act.

As per the prosecution case, the brother of the informant who had gone with others for working in the FCI godown did not return and subsequently his dead body was found. It is stated that a day earlier the accused Sunil Kumar and Nitish Kumar the petitioner herein had threatened the informant that he should make his brother understand as his brother had beaten up their friend. The informant states that he is convinced that the two named accused persons including the petitioner herein as also others have a hand in killing of his brother.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From the FIR



itself it would be evident that the informant is not an eye witness to the occurrence. Referring to the material that has transpired in course of investigation it is submitted that no material has transpired against the petitioner to connect him with the alleged crime. The postmortem report does not support the allegations. In fact depositions of the witness recorded in course of investigation is otherwise. The petitioner is in custody since 3.2.2021 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation together with the petitioner having remained in custody for over one year, the petitioner is directed to be enlarged on bail in connection with Kurtha P.S. Case no. 129 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 Chief Judicial Magistrate, Arwal.

(Partha Sarthy, J)

Spd/-

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