

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39777 of 2022

Arising Out of PS. Case No.-693 Year-2021 Thana- KHAGARIA District- Khagaria

Nitish Kumar Singh @ Nitish Prasad Singh@ Baua S/O Binod Prasad Singh
Resident of Village- Rankodh, P.S.- Muffasil (Khagaria), District- Khagaria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha, Advocate
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khagaria
(Muffasil) P.S. Case No. 693 of 2021 registered for the offence
under Sections 341, 307, 504 and 506 of the Indian Penal Code
and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2022.

The allegation against the petitioner is to fire upon the
informant causing fire arm injury, having intention to cause
death, due to family property dispute.

Learned counsel appearing on behalf of the petitioner
submitted that the informant/injured is the father, whereas



petitioner is the son and present dispute is founded over family partition/property dispute. It is submitted that the present F.I.R. was lodged after a long delay of four months, without any just explanation. It is also submitted that the alleged fire was not repeated without having any intervening circumstances, which negate the intention of the petitioner to cause death of the informant/injured, who is none but the father. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above and by taking note of nature of accusation, where petitioner is in custody since 01.04.2022 coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khagaria (Muffasil) P.S. Case No. 693 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court,



subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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