

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43418 of 2022**

Arising Out of PS. Case No.-326 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

NITISH SINGH Son of Rajesh Singh @ B.D. Singh @ Rajesh Rai R/o
Village - Jalalpur, P.S.- Kuchaikot, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh

For the Opposite Party/s : Mr.Rajeev Nayan, APP-231

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kuchaikot P.S. Case No. 326/2021 registered for the offences
punishable under Sections 341, 323, 392, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per prosecution case, there is allegation against the
petitioner to assault the informant by butt of pistol and he also
looted Rs.45,000/- from the pocket of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The date of occurrence is on



18.03.2021 but complaint lodged on 27.06.2021 and then converted into FIR on 05.08.2021 which itself falsify the occurrence. The petitioner is languishing in custody since 14.06.2022 and bears criminal antecedent of 02 cases. Nothing has been recovered from the conscious possession of the petitioner. He further submits that from perusal of the injury report, there is no injury seen on the body which is annexed at Annexure-P/2 of the bail petition. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Gopalganj in connection with Kuchaikot P.S. Case No. 326/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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