

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55017 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- MINAPUR District- Muzaffarpur

NIKHIL SHAHI Son of Binod Shahi Resident of Village - Haraka Manshahi,
P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 Learned senior counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Minapur P. S. Case No. 443 of 2020 registered for the offences punishable under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 11.11.2020 at about 08:00 P.M., when the father of the victim



(Rahul Kumar) came in his house and asked whereabouts of his son, his wife told him that at about 07:00 P.M., the victim went along with one person on his motorcycle. On 12.11.2020, the informant received an information that the dead body of his son was lying in a jungle at Jhitkahia Bandh. The informant went there and found the dead body of his son having firearm injury over his head.

Learned senior counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons and not even a suspicion has been raised about the complicity of the petitioner. It is further submitted that during the course of investigation, the further statement of the informant was recorded by the police on 26.05.2021 after about six months of the occurrence and in his statement, he suspected the hands of the petitioner. It is next submitted that during the course of investigation the witnesses have stated that the victim had enmity with Mukesh Thakur and just 15 to 16 days before the occurrence, some fight was also taken place between them and thereafter, some unknown persons have burnt the vehicle of Mohan Thakur and he was suspecting the hands of the deceased and later on, co-accused Mohan Thakur in collision with this petitioner have shot the son of the informant.



On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the name of the petitioner transpired.

Having considered the submissions made on behalf of the parties and taking into account the materials available on record, which is solely based on suspicion and neither there is any eye-witness to the alleged occurrence nor any cogent material has come, save and except the petitioner happens to be one of the friends of Mukesh Thakur and moreover, the petitioner is in custody since 26.03.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P. S. Case No. 443 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

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(Harish Kumar, J)

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