

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50317 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BIND District- Nalanda

NITISH KUMAR @ SHAKA @ SAJAN @ RAJA S/o Suresh Prasad
Resident of Village- Atbalchak, Ward No 14 Diha, P.S.- Tharthari, District-
Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard Mr. Ajay Kumar Thakur, learned Senior
Counsel for the petitioner and learned APP for the State in
Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act and subsequently Sections 201, 394, 414 of the Indian
Penal Code were added, in connection with Bind P.S. Case No.
126 of 2021.

As per the prosecution story, the lady, widow has
alleged that while her husband was moving on the motorcycle,
he was intercepted and in the process of snatching of the chain,



he was killed. Her further narration in the FIR is that one Abhisekh Kumar has disclosed about this incident. Subsequently, during the investigation, the name of the petitioner cropped up in the confessional statement of Manish Kumar wherein he has stated that the deceased was caught by the petitioner and he opened fire which resulted into the death. As per his confession, the bullet shot that was fired by him after hitting the deceased came out and hit the stomach of the petitioner and as such he too was injured.

Learned Senior Counsel for the petitioner concedes that although it is true that number of cases are against him, that gave an *alibi* to the police to implicate him in this case inasmuch as he was actually walking on foot when the alleged bullet hit his stomach and he was injured but he was also implicated in this case with the confession of Manish Kumar in which complicity of this petitioner was also made. The further submission is that he is in custody since 22.4.2022 (as stated in para-12 of the bail application) but no TIP has been done. The last submission of the learned Senior Counsel is that if released on bail, he is ready to abide by all the terms and conditions that may be imposed by this Court.

Considering the aforesaid facts, let the petitioner



be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif, in connection with Bind P.S. Case No. 126 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district (Nalanda at Biharsharif) for a period of six months after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every month till the conclusion of the trial to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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