

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65265 of 2021**

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

NISHANT KUMAR @ CHHOTU Son of Nago Singh Resident of Village-
Bihat, Ward No. 16, Police Station - Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bipin Kumar, Advocate

For the Opposite Party/s : Mr Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **31-05-2022** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Barauni (Chakiya) Police
Station (for brevity, PS) Case No 243 of 2021 registered for the
offence punishable under Sections 386, 302, 379/34 of Indian
Penal Code and Section 27 of Arms Act.

The informant has alleged that his son was returning
home. When he reached near the *Ata Chakki* of Krishna Murari
Kunwar, 10 to 11 unknown criminals confined his son where
after it is alleged that Bhushan Kumar demanded Rs 25 lakh and
on refusal to pay the same, co-accused Bablu Kumar exhorted
Mukesh Kumar to fire upon his son. Thereafter, co-accused



Mukesh Kumar fired upon his son.

Learned counsel for the petitioner submits that having no criminal antecedent, the petitioner has been implicated in this case as a member of the unlawful assembly with no specific allegation, attributed to him. Merely for the fact that he was having some friendly relations with some of the accused persons, though he has no concern whatsoever with the instant allegation. The petitioner is stated to be in custody since 17.08.2021 and investigation is also stated to be complete and charge sheet has already been submitted.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that specific role has not been attributed to the petitioner, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in Barauni (Chakia) PS Case No 243 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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