

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66202 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- BARUN District- Aurangabad

NITISH KUMAR S/o Mahendra Singh Resident of Village - Bhopatpur, P.S. -
Barun, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhashkar Shankar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307, 147, 148, 149, 311, 323, 379, 354, 448, 324 and 504 of the Indian Penal Code.

As per the prosecution case, the nine named accused persons including the petitioner herein are said to have come variously armed. It is further stated that accused Bobby Kumar struck the brother of the informant with a *farsa*, Dipak Kumar Singh struck Jitan Khatri with a *farsa*, Uttam Kumar Sharma and Chandan Chaudhary struck Kaushal Kumar Khatri with an iron rod while others including the petitioner and Dipak Kumar struck with *lathi danda*, iron rod and hockey stick.

It is submitted by learned counsel for the petitioner that from the FIR itself it would transpire that so far as the allegation of assault on the deceased Jitan Khatri is concerned, the same is specific on Dipak Kumar Singh and not the petitioner herein. The injury on



the injured has been found to be simple in nature. The allegations against the petitioner, Dipak Kumar and others are general and omnibus in nature. In support of his contention learned counsel for the petitioner relies on the postmortem report and the injury reports brought on record as Annexures-2 and 3 series to the petition. The petitioner is in custody since 18.6.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the contents of the postmortem report and the injury report, the petitioner having remained in custody for 10 months and investigation in the case having concluded, the petitioner is directed to be enlarged on bail in connection with S.T. no. 197 of 2021 (arising out of Barun P.S. Case no. 143 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 the learned Additional Sessions Judge VII, Aurangabad.

(Partha Sarthy, J)

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