

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69934 of 2021

Arising Out of PS. Case No.-767 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Nand Kishore Das @ Nakko Das @ Nakki Son of Late Mauli Das @ Manouri
Das Resident of Choti Jankipur, Police station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
		Mr.Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s :		Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 767 of 2018
registered for the offence under Sections 147, 148, 149 and 402
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2021.

The allegation against the petitioner is to commit the
murder of the brother of the informant, along with other co-
accused persons, by causing fire arm injury, due to previous



enmities.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been made an accused in the present case, otherwise, he may be one witness for the occurrence. It is submitted that from bare perusal of the FIR, the maximum allegation against this petitioner is of last seen, along with other co-accused persons. It is further submitted that deceased went on own as he was in friendly terms with co-accused persons including this petitioner. It is also submitted that nothing surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is also submitted that similarly situated co-accused person, Raju Jha, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27805 of 2022 vide order dated 05.09.2022. While concluding the argument, it is submitted that petitioner involved in four (4) criminal cases, where he is on bail in all cases and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the



occurrence.

In view of the facts and circumstances as mentioned above, as nothing surfaced/recovered, during the course of investigation, to connect this petitioner with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 767 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XII, Bhagalpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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