

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.579 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- CHANDI District- Nalanda

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Nitesh Kumar @ Nitesh Kumar Singh Son of Satyendra Singh Resident of Village- Dhakaniya, P.S.- Chandi, District- Nalanda at present resident of House No.155 Ward No.10, P.S.- Jugsalai, District- East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, on 11.07.2021 the informant Rishikesh Kumar @ Nitish Singh along with his brother Raviranjana Kumar @ Soni Singh were standing behind the house near their orchard, all of sudden co-accused Satyendra Singh and the petitioner armed with Khanti, rod and pistol



surrounded and started abusing them and on protest made by the informant and his brother Raviranjn Kumar this petitioner assaulted Raviranjn by Khanti due to which he received injury in his leg, in the meanwhile, Manikesh Kumar @ Manish Singh came to save him then the petitioner assaulted the said Manikesh Kumar by Khanti three times due to which he also received injuries on his head and fallen down unconsciously. It is further alleged that co-accused Satyendra Singh fired upon the informant by his pistol which did not hit him and bullet passed over from the upper side of his shoulder. It is further said that golden locket of the informant was also taken away by the petitioner and co-accused Satyendra Singh.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Chandi P.S. Case No. 276 of 2021 filed by the mother of the petitioner against the informant and other family members of the informant. He further submits that there is admitted land dispute between the parties and it appears from the F.I.R. that the petitioner assaulted to Raviranjn Kumar and Manikesh Kumar but from perusal of the injury reports of the said Raviranjn Kumar and Manikesh all the injuries are simple in



nature except injury No. 1(a) is grievous on the frontal region of head. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chandi P.S. Case No. 275 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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