

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17882 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Nikesh Kumar Son Of Shankar Mahto R/O Village- Malpur, Ward No. 07,
P.S.- Dalsingh Sarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Defect(s), as pointed out by office, be removed
during the course of day itself.

3. The petitioner seeks bail in connection with
Dalsingh Sarai P.S. Case No. 21 of 2021 registered for the
offence under Sections 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 05.04.2022.

5. The allegation against the petitioner is to commit
murder of father of the informant alongwith other unknown co-
accused persons by causing firearm injuries where the reason of
occurrence is not explained through present F.I.R.



6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is known to informant being neighbour but his name was not taken in initial stage of investigation, but subsequently as an afterthought out of neighbourhood disputes and differences, the petitioner implicated with present case without having any cogent material. It is pointed out that similarly situated co-accused, namely, Lal Babu Singh and Vinod Kumar have already been granted bail by different learned Co-ordinate Benches of this court through Cr. Misc. No. 39397 of 2022 vide order dated 14.02.2023 and Cr. Misc. No. 54326 of 2022 vide order dated 15.02.2023, respectively. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as save and except suspicion being neighbour, nothing incriminating appears, *prima facie*, to connect petitioner with present occurrence of murder coupled with the fact that



charge-sheet has already submitted, where petitioner is in custody since 05.04.2022, accordingly, above named petitioner is directed to be released on bail in connection with Dalsinghsarai P.S. Case No. 21 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Dalshinghsarai, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

