

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11020 of 2023

Arising Out of PS. Case No.-339 Year-2021 Thana- KESARIA District- East Champaran

NITESH KUMAR Son of Rajeshwar Kumar @ Rajeshwar Kunwar Resident
of Village - Dilawarpur, P.S.- Keshariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B) of the Indian Penal Code.

As per prosecution case, the accused persons including the petitioner killed the husband of the informant who used to assault the informant on minor issues. The petitioner is friend of informant's son and he was present at the place of occurrence as alleged by the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From bare perusal of FIR, the accused persons including the petitioner were seen near the dead body but that does not mean that they



killed the husband of the informant. The deceased was a man of criminal character and he might have been killed by someone else and this petitioner has falsely been made accused on the basis of suspicion. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, similarly situated co-accused namely, Laddu was already been granted bail by a co-ordinate Bench of this Court vide order 2.11.2022 passed in Cr. Misc. No. 2664 of 2022 and in support of this Annexure-3 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 2.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Keshariya P.S. Case No. 339 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate East Champaran at Motihari/ Concerned Court, subject to following conditions:-



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absance on three consecutive dates or violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Sunil Kumar Panwar, J)

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