

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29285 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Nitish Kumar, Son of Ramanand Singh, Resident of Village - Paharpur, P.S.-
Barhiya, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Lakhisarai P.S. Case No.3 of 2022 registered for the
offences punishable under Sections 302, 120-B read with 34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR and
is in custody since 04.02.2023

4. Allegation against the petitioner is to commit
murder of son of informant along with named co-accused
persons by causing firearm injuries while returning from market
after purchasing of vegetables.

5. It is submitted by learned counsel that informant is
claiming herself to be an eye-witness of the occurrence as she



found named co-accused persons to open indiscriminate firing upon his son causing his death along with one Bihari Singh. It is submitted that there is no any apparent reason to disbelieve the version of informant being the eye-witness of the occurrence. It is further submitted that name of this petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused Rajkumar Singh, where he found in conversation with him over mobile, as it is apparent from call details report, which appears the basis of implication of petitioner with present occurrence. It is further submitted that said co-accused Rajkumar Singh has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 28.07.2022 passed in Cr. Misc. No.22409 of 2022. It is further submitted that nothing surfaced during the course of investigation in furtherance of said confessional statement as to connect petitioner with present occurrence. While concluding argument, it is submitted that the 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 and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to



the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as informant claiming to be an eye-witness of the occurrence specifically named co-accused persons through present FIR causing death of her son, where implication of this petitioner appears *prima facie* on the basis of suspicion as raised out of call details report, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No.3 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

