

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32570 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- BARAUNI District- Begusarai

Jiban Nishad, Male, aged about 25 years, S/o Suresh Nishad R/o Village -
Malhipur, Bindtoli, P.S. - Barauni (Chakia O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Barauni (Chakia O.P.) P.S. Case No. 257 of 2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

The informant has alleged that Dilip Nishad, Pintu Nishad, Indradeo Nishad, Moti Nishad, Tanik Nishad and Puran Nishad, including the petitioner have all fired upon her husband indiscriminately leading to his death.

Learned counsel for the petitioner submits that the allegation is of firing in two phases. The petitioner along with co-accused, namely, Dilip Nishad, Pintu Nishad and Indradeo Nishad have fired at the first instance, whereafter, co-accused, namely, Moti Nishad and Puran Nishad have fired. From the postmortem report, it is obvious that victim has sustained only two (2) firearm injuries. Therefore, the allegation of indiscriminate firing upon the deceased by seven (7) persons stands belied. The victim himself was a man of criminal antecedents and had several enemies. The petitioner, having no criminal antecedents, is in custody since 26.06.2021. Co-accused,



namely, Dilip Nishad, Pintu Nishad & Tanik Nishad have been allowed bail in Cr. Misc. Nos. 70438/2021, 17132/22 & 2360/22 respectively.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioner's implication as one of the assailants is by name.

Considering the rival submissions, nature of accusations, clean antecedents, and the petitioner's period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Begusarai, in connection with Barauni (Chakia O.P.) P.S. Case No. 257/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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