

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32933 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- SALIMPUR District- Patna

NITISH KUMAR SON OF BALAM YADAV @ BALLAM SINGH Resident
of Village- Mirdahachak, P.S.- Salimpur, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.11.2022 in connection with Salimpur P.S. Case No.79/2022,
dated 16.05.2022, for the offences punishable under Sections
302, 120(B) of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, the husband of the
informant was working in Shah Company as a Security Guard.
On 14.05.2022 at about 4:00 P.M. she came to know that her
husband was murdered by shot fire. She along with her villagers
reached there then saw her husband was lying in dead condition.
Different types of illegal trade was going in this Company,
which protested by her husband and due to which her husband
has been murdered by owner of Shah Company, namely Manish
Kumar and Vikash Kumar and employee Dhiraj Kumar and



Nitish Kumar.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that from bare perusal of the F.I.R. it appears that the date of alleged occurrence in the F.I.R is 14.05.2022 but the present F.I.R. has been instituted on 16.05.2022 and before lodging of the present F.I.R. the inquest report and postmortem was conducted by the prosecution and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Dhiraj Kumar has been granted bail by this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 53531/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 Sri Surbhit Sahai,
J.M. 1st Class, Barh, Patna in connection with Salimpur P.S.
Case No. 79/2022, 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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