

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37963 of 2023

Arising Out of PS. Case No.-524 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

NITESH KUMAR @ NITISH KUMAR @ NITISH KURMI S/O VINOD PRASAD @ VINOD KURMI R/O Village- Gosai Chhapra, P.S- Sarai, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No.524 of 2022 registered for the offence under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 24.12.2022.

The allegation against the petitioner is to assault son of the informant, by means of knife, causing two injuries on stomach, having intention to cause his death, where, occurrence arises out of previous enmities. The occurrence took place along with other two named co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that if the version of the informant, who is claiming to be an eye-witness, be taking into consideration, certainly two knife injuries be found upon body of son of informant, but upon medical examination, the doctor found only single injury on abdomen, creating a doubt on the version of informant, who is claiming to be an eye-witness of the occurrence, who, specifically stated two knife injuries was caused by this petitioner, during course of occurrence. It is submitted that as prior to this occurrence, informant's son committed sexual offence with minor sister of petitioner, for which, a case was lodged as Panchrukhi Sarai P.S. Case No. 299 of 2022, to counter the same, present false case was lodged. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of version of informant, who is claiming to be an eye-witness of the occurrence qua injury



report coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.12.2022, let the petitioner, above named, is directed to be released on bail in connection with Siwan Muffasil P.S. Case No.524 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIIth, Siwan/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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