

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36840 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- JAKKANPUR District- Patna

=====

NISHANT KUMAR @ CHHOTA NISHU @ NISHANT @ NISHU Son of
RAJENDRA PRASAD RAICHOWK, POLICE STATION-
PHULWARISHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 1189 of 2022 arising out of Jakkanpur P.S. Case No. 115 of 2022 registered under Sections 393 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 03.03.2022 by the informant, Ramanuj Kumar.

3. As per the prosecution story, the Sub-Inspector, Jakkanpur Police Station had recorded the statement of the informant who was in the emergency ward of Arvind Hospital, Khajanchi Road, Patna in which allegation has been made that he is the Manager of Amul Milk, was calculating the daily



transaction, two accused persons entered and tried to get away with the amount and upon objection opened fired, causing injury in the right leg. They escaped which followed the FIR.

4. It is the case of the petitioner that subsequently, one Ravi Kumar @ Ravi Ranjan Kumar @ Karu was apprehended and he in his confessional statement confessed the crime, named this petitioner to be the person, who opened fire. It is his further submission that the said Ravi Kumar @ Ravi Ranjan @ Karu has been granted bail vide order dated 21.04.2023 passed in Cr. Misc. No. 2072 of 2023. The last submission is that he is in custody since 13.07.2022 (as stated in paragraph-10 of the petition).

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is difference between the order passed in Ravi Kumar @ Ravi Ranjan Kumar @ Karu's matter as also this case *inasmuch* as this petitioner has criminal antecedent whereas the Ravi Kumar @ Ravi Ranjan Kumar @ Karu's order, no such fact has been incorporated.

6. Considering the submissions put forward by the learned counsel for the parties, perusing the facts/FIR, in view of the fact that he is in custody since 13.07.2022 and similarly situate accused, Ravi Kumar @ Ravi Ranjan Kumar @ Karu's



has been extended the privilege of bail, this Court is inclined to grant him privilege of bail but only after framing of the charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Patna in connection with Sessions Trial No. 1189 of 2022 arising out of Jakkanpur P.S. Case NO. 115 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

