

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38495 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

NIRMAL SAH @ NIRMAL KUMAR SAH , aged about 40 years, Gender-
male, son of Ghanshyam Sah, resident of village-Parihara, P.S.-Bakhari
(Parihara O.P.), District- Begusara Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 No one appears for the petitioner although the State is

present.

The petitioner is in custody since 24.1.2023 in
connection with Nawkothi P.S. Case No. 21 of 2023 for the
offence punishable under Sections 302, 120(B)/34 of the I.P.C.
and 27 of the Arms Act lodged on 16.2.2021 by the informant
Amresh Kumar.

The prosecution story, in brief, is that informant
Amresh Kumar @ Tuntun Poddar recorded his 'fardbeyan'
alleging that on his brother Chandan Kumar and his father
Ganesh Poddar (deceased) hiding on motorcycle bearing
registration No. BRO9S-2774 and reached the shop of Babhulal
Sahni located at Dewpura Chauk and talking to each other
sitting six miscreants came on motorcycle variously armed
stopped the motorcycle and opened fire on the father of the
informant which hit him while Amit Kumar also fired on him as



a result of which he fell down. The informant tried to save him but the accused also fired on him. The father of the informant was taken to hospital but succumbed to the injuries. The informant further alleged that the accused persons threatened him on face book demanding extortion.

As per the petition, the allegation is that Sanjeev Singh, Shwet Kumar and Amit Kumar opened fire which resulted into death of the father of the informant.

Further, allegation on the other accused persons is of opening fire which however did not hit the informant.

Learned APP opposes the prayer.

Considering the fact that the petitioner is not named in the FIR and his name has come in the confessional statement of Sunny Kumar and Saurav Kumar, is in custody since 24.1.2023, do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Begusari, in connection with Nawkothi P.S. Case No. 21 of 2021 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 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 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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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