

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39235 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- SULTANGANJ District- Bhagalpur

NILESH KUMAR SON OF HANSRAJ @ HASRAJ DAS RESIDENT OF
VILLAGE MASDI, PS- SULTANGANJ, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Sultanganj P.S. Case no. 122 of 2023 registered under sections 307, 452, 341, 323, 325, 304 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the six named accused persons including the petitioner herein entered the house of the informant. While Rjeev Kumar @ Kaushal Kumar assaulted Ajay Kumar, another Rajeev Kumar assaulted Shashikala Devi who thereafter proceeded to her *naihar* for treatment. Subsequently she died on 27.11.2022 at 6 am. It is further stated that Raj Kishore Kumar assaulted Arjun Tanti and Rajan Kumar assaulted the informant. All the accused persons were also giving threats.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. For an



occurrence alleged to have taken place on 23.11.2022, the FIR was registered more than three months later on 1.3.2023. No specific overt act has been alleged against this petitioner. The cause of false implication of the petitioner is that he happens to be the bread earner of the family. He is a central government employee posted in Central Railways at Mumbai. He has no criminal antecedent.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR as also the delay of more than three months in lodging of the FIR wherein no specific overt act has been alleged against this petitioner, in the event of his arrest or surrender within six weeks, the petitioner is directed to be enlarged on bail in connection Sultanganj P.S. Case no. 122 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned A.C.J.M-I, Bhagalpur subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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