

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41824 of 2023

Arising Out of PS. Case No.-175 Year-2021 Thana- SONBERSHA RAJ District- Saharsa

Nitish Kumar, S/O Birendra Kumar Yadav, Resident of Village- Bourba, Ward
No 1, P.S.- Salkhua (OP Banma Itahari) And District- Saharsa ... Petitioner/s
Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-09-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with S.T.
No. 207 of 2022 arising out of Sonbarsa Raj P.S. Case No. 175 of
2021 dated 02.10.2021 registered for the offences punishable
under Sections 341, 323, 326, 397, 354(B) and 506 of the Indian
Penal Code.

3. This is second attempt of the petitioner for the relief
of regular bail after his earlier bail prayer was rejected by this
Bench vide order dated 23.03.2023 passed in Cr. Misc. No.
65168/2022 preferred by this petitioner.

4. The fresh ground taken by the petitioner for the
relief of regular bail in his second attempt is that in the earlier
rejection order, this Court has granted liberty to the petitioner to
renew his bail prayer after examination of the victim in his trial



and accordingly in the light of the said liberty, he has again come before this Court for the relief of regular bail as the said victim has been examined as P.W. 1 and thereafter, three other witnesses of the prosecution has also been examined and amongst them, two witnesses went hostile including the father of the victim and in the present time, a good relation has established in between the victim's family and the petitioner, who happens to be uncle of the victim. Further submission is that the petitioner has been languishing in jail since 03.06.2022.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S.T. No. 207 of 2022 arising out of Sonbarsa Raj P.S. Case No. 175 of 2021.

(Shailendra Singh, J)

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