

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43324 of 2023**

Arising Out of PS. Case No.-87 Year-2020 Thana- BELCHHI District- Patna

Nitish Kumar S/o Ratan Yadav R/o Village- Ganichak, Ps. Belchi, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                              |
|----------------------------|---|------------------------------|
| For the Petitioner/s       | : | Mr. Y.C. Verma, Sr. Advocate |
|                            |   | Mr. Adarsh Singh, Advocate   |
| For the Opposite Party/s : |   | Mr. Arun Kumar Pandey, APP   |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

5      13-10-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 426 of 2021 arising out of Belchhi P.S. Case No.87 of 2020, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Ld. counsel for the petitioner submits that the petitioner had moved this Court earlier for regular bail vide order dated 13.12.2022 in Cr. Miscellaneous Case No. 8794 of 2022, which was rejected with an observation that “*Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the Petitioners on bail at this stage.*”



4. Accordingly, a fresh petition has been filed by the Petitioner submitting that seven prosecution witnesses have already been examined and as per evidence on record, it is Ratan Yadav who fired at victim resulting into his death and not the present Petitioner. Even as per post mortem report, there is no clear cut proof of two bullet injury.

5. Ld. APP for the State also doesn't contest the submission of Ld. counsel for the Petitioner that in the evidence of the prosecution witnesses so far examined including informant, it is Ratan Yadav who had fired at the victim and not the present Petitioner.

6. In the light of the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-V<sup>th</sup> Barh, Patna, in connection with Sessions Trial No. 426 of 2021 arising out of Belchhi P.S. Case No.87 of 2020 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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