

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47269 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- SARAIYA District- Muzaffarpur

Nitesh Kumar @ Nitesh Kumar Patel Son Of Prabhu Rai R/O Village- Ginjas,
P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per allegation in the FIR, petitioner along with other co-accused persons assaulted the son of the informant, due to which he succumbed to injuries.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also



submitted that petitioner is languishing in judicial custody since 20.04.2022. It is also submitted that there is inordinate delay of seven days in lodging the FIR. Both parties are agnates and there is land dispute between them. It is further submitted that in the postmortem report, doctor has not find any external and internal injury over the body of the deceased and cause of death has been kept reserved. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused persons have been granted bail vide order dated 04.07.2022, passed in Cr. Misc. No. 53193 of 2021 & 52615 of 2021 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail in connection with Saraiya P.S. Case No. 15 of 2021 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 A.C.J.M., IV, (West) Muzaffarpur.

(Sunil Kumar Panwar, J)

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