

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47730 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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NITESH KUMAR @ NITESH SINGH S/O RAMA SHANKAR SINGH R/O
Village- Shahbazpur, P.S- Shyampur Bhathan, Distt.- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Shyampur
Bhathan P.S. Case No. 36 of 2023 dated 19.04.2023 registered for
the offence under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The informant alleged that the petitioner and his
companions have killed his son by inflicting gun shot injury.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the basis of
suspicion. He further submits that on bare perusal of the F.I.R., it
appears that the informant is not the eye witness to the alleged
occurrence and there is no direct or specific allegation attributed



to the petitioner rather general and omnibus allegations have been leveled against the petitioner. He further submits that no one claims to have seen the alleged occurrence. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.04.2023.

Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner and submits that the sufficient material has surfaced in this case during course of investigation against the petitioner which show his involvement in the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sehohar in connection with Shyampur Bhathan P.S. Case No. 36 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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