

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46425 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- BARHAT District- Jamui

Nitish Kumar, S/O Late Devan Yadav @ Deonandan Yadav, R/O Village-Darha Pahritar, Ps. Barhat, Dist. Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Barhat P.S. Case No. 50 of 2023 dated 07.03.2023 registered for the offences punishable u/ss 302, 147, 148 and 149 of the Indian Penal Code.

4. As per the prosecution case, when the informant's nephew, Vikash Kumar Yadav was sitting in front of the house of Sahdhe Yadav and abusing some unknown persons regarding his mobile. On being objected by Sonu Kumar, both of them



started assaulting each other. Thereafter, the petitioner and the co-accused persons holding lathi and danda started assaulting Vikash Kumar Yadav. When his grandmother came to rescue him then all the accused persons started assaulting his grandmother. In the meantime, the co-accused Sanjay Kumar Yadav assaulted on the abdomen and back of his grandmother with brick causing injury and she fell down on the ground and died on the spot.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the specific allegation of assaulting the informant's mother is against the co-accused, Sanjay Kumar Yadav. There is no eye witness to the alleged occurrence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Jamui in connection with Barhat P.S. Case No. 50 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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