

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53637 of 2023

Arising Out of PS. Case No.-192 Year-2021 Thana- ATHMALGOLA District- Patna

NITISH KUMAR SON OF RAJBRIJ RAI RESIDENT OF VILLAGE-
DARIYAPUR, PS- ATHMAGOLA, DIST- PATNA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Sahay, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Athmalgola P.S. Case No. 192 of 2021 for the offence under Sections 147, 148, 341, 342, 323, 325, 337, 338 and 307 of the Indian Penal Code, 1860 and section 27 of the Arms Act lodged on 09.10.2021 by the informant, Sohan Kumar.

3. Pursuant to the last order dated 16.08.2023, report has been received vide letter dated 19.08.2023 according to which though the prosecution witnesses have been examined, the five witnesses who were injured are yet to be examined for which summons have already been issued.

4. Learned Counsel for the petitioner submits that he is in custody since 20.11.2021 (as stated in paragraph 10 of the petition), will be appearing in trial diligently without failing and



in case, is absent for even one day without assigning any reason, his bail bond may be cancelled by the trial Court itself.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned Counsel for the informant submits that once out of jail, he may delay the conclusion of the trial.

7. Taking into account the facts of the case as also the fact that there is no likelihood of the conclusion of the trial as per the report of the trial Court, is in custody since 20.11.2021, an undertaking has been given that he will be diligently appearing in trial of each and every date, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the trial Court.

8. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Session Judge-V, Bardh, District-Patna in connection with Athmalgola P.S. Case No. 192 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



9. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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