

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50614 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

NITISH KUMAR @ NITISH PRASAD @ SHAKA @ SAJAN @ RAJA
SON OF SURESH PRASAD R/O VILLAGE- ATWALCHAK, P.S.-
THARTHARI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 302/34, 396,
120(B)/34 of the Indian Penal Code and section 27 of the Arms
Act.

As per allegation in the FIR, while brother of infor-
mant namely Amit Kumar had gone for collection of money on
behalf of his company and in course of his return therefrom he
was shot dead by two unknown motorcycle borne criminals.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case. He is
innocent. Petitioner is not named in the F.I.R. There is no eye
witness of the present occurrence. Save and except confessional



statement of co-accused Manish Kumar, no other evidence has come against the petitioner to show his complicity in the present case. After investigation, charge-sheet has been submitted under Sections 396, 120 (B)/34 of the I.P.C. and section 27 of the Arms Act. The petitioner is languishing in judicial custody since 04.04.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering 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 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 283/2021.

(Sunil Kumar Panwar, J)

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