

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58286 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- BARBIGHA District- Sheikhpura

NITISH KUMAR Son of Ramdev Yadav Resident of Village- Tajnipur, P.S.-
Bind, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Barbigha P.S. Case No. 244 of 2021, registered for the offence punishable under Sections 147, 149, 341, 307, 385, 387 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that on 11.8.2021 at about 9:50 pm., three named accused persons and three unknown accused persons had arrived near the sweet cart of the informant, whereafter they had demanded extortion money from the informant, however, he



had denied to pay the same and then the co-accused persons, namely, Sanjeet Yadav and Ravi Yadav, had fired on the informant, however, it appears that the informant did not receive any injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 28.7.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in eight other criminal cases, but he is on bail in all the eight criminal cases and they pertain to the year 2018-2019 as also of the year 2020. Lastly, it is submitted that the co-accused persons have already been granted the privilege of anticipatory bail by the learned court below.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials on record as also considering the fact that the petitioner has not been alleged to have fired gunshots on the informant, apart from the fact that no injury has been sustained by the informant, though I deem it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions, since that the petitioner is having a bad antecedent.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No. 244 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:00 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein,



shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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