

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61422 of 2023

Arising Out of PS. Case No.-183 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Nitish Kumar S/O Vijay Bind R/O Village- Bahri Begampur, Renter In The
House Of Gautam Yadav, Ps. Bypass, Distt. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2023 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.

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 Patna City Chowk P.S.
Case No. 183/2021 (S.T. No. 53/2022) dated 29.06.2021
registered for the offence punishable u/s 302 read with 34 of the
Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the
co-accused person along with 3-4 unknown miscreants came
and opened fire. On being objected by the informant's son, they



abused him and fired on his chest resulting to his death.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 16.08.2022 passed in Cr. Misc. No. 605 of 2022. The petitioner is accused in five other criminal cases and he is on bail in four cases as stated in para 3 of the bail petition. The petitioner is in custody since 12.08.2021.

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, Patna in connection with Patna City Chowk P.S. Case No. 183/2021 (S.T. No. 53/2022), with the condition :-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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