

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61244 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- MURLIGANJ District- Madhepura

NITISH KUMAR Son of Shyam Das @ Shayama Nand Das Village- Pratap
Nagar, Jhakhra Ps- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Murliganj P.S. Case No. 167 of 2023, registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

3. The accused persons are stated to have arrived at the Kirana shop of the informant, where his grandson was also present and then they had demanded some articles, however, an altercation had taken place in between the grandson of the informant and the accused persons, whereafter, the accused person, namely, Himashu Kumar, had asked the co-accused person, namely, Bauwa Yadav, to shoot at the grandson of the informant, whereupon the co-accused person, namely, Bauwa



Yadav, had fired on the stomach of the grandson of the informant, resulting in him being injured, leading to his subsequent death.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he is on bail in the said two cases. The learned counsel for the petitioner has further submitted that neither the petitioner is order giver nor the assailant, hence, he be granted the privilege of anticipatory bail.

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

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that no allegation, whatsoever has been levelled qua the petitioner herein by the informant and moreover, he is neither the order giver nor the assailant, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on



anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1st, Madhepura in connection with Murliganj P.S.Case No. 167 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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