

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62371 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- ALAMNAGAR District- Madhepura

NITISH KUMAR S/o Pawan Bhagat R/o Village- Alamnagar, P.S.-
Alamnagar, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Alamnagar (Ratwara) dated 19.06.2022 registered for the offence
under Sections 302, 201 and 34 of the Indian Penal Code.

The younger brother of the informant is alleged to have
been killed by some unknown persons and thrown his dead body
under the bridge.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case during course of investigation on the basis
of confessional statement of the co-accused, Ramniwas Kumar.



Save and except confessional statement of the co-accused, no cogent material has surfaced in this case against the petitioner suggesting his involvement in the alleged occurrence except paragraph-86 in which, it is stated that the petitioner along with others were last seen with the deceased. He further submits that there is no eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.06.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that the towel which was used in the alleged occurrence was recovered on the basis of disclosure made by the co-accused persons as well as the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Udakishunganj, Madhepura in connection with Alamnagar (Ratwara) P.S. Case No. 164 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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