

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66338 of 2022

Arising Out of PS. Case No.-455 Year-2019 Thana- BIDUPUR District- Vaishali

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NISHANT KUMAR JHA @ BABA @ NISHANT JHA S/o Ganesh Jha R/V-
Rahimapur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Bidupur P.S. Case No. 455 of 2019, dated 11.11.2019 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's son namely, Sanjeev Kumar was shot dead under conspiracy by some unknown criminals.

The main submissions advanced by petitioner's



counsel are that the FIR was registered against two co-accused persons namely, Amit Kumar and Sanjeet Kumar @ Nanhki and petitioner's name did not find any place in the FIR, during investigation the petitioner was made accused on the basis of statement of co-accused Mukul Kumar @ Priyaranjan who was arrested in Hajipur Town P.S. Case No. 1052 of 2019 and except the said statement there is no any other material against the petitioner and during investigation some witnesses made allegation that four accused persons made firing after committing *loot* with someone and in that firing one person namely, Sanjeev Kumar sustained firearm injury but the said allegation is not specific against the petitioner and moreover he was not identified during that firing and after his remand in the present case police did not conduct test identification parade in respect of petitioner's identity and the petitioner was chargesheeted on 22.03.2020 and upon him the charges were framed on 27.07.2021 and till date only one prosecution witness has been examined and the same was examined on 29.11.2021 and thereafter no prosecution witness has been produced despite several adjournments given by the trial Court and the petitioner has been languishing in jail since 28.05.2020.

Learned APP appearing for the State has opposed the



prayer for bail.

Considering the above submissions and mainly the prosecution's lingering attitude in concluding the petitioner's trial and petitioner's long custody in the present matter and also the fact that the petitioner is not named in the FIR, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bidupur P.S. Case No. 455 of 2019.

(Shailendra Singh, J.)

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