

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65147 of 2022

Arising Out of PS. Case No.-172 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Nitish Kumar Son of Sri Vinod Ray Resident of Village- Kalyanpur Basti,
P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-02-2023 Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mohiuddin Nagar P.S. Case No. 172 of 2020 lodged under
Sections 376(2) (g), 302, 201/ 34 of the I.P.C. read with Section
66A of the I.T. Act.

As per the prosecution case, the informant has filed a
written complaint to the S.H.O. stating there in that her mother
went for nature call in the morning of 18.09.2020, then the 5
named accused persons including the petitioner have caught her
mother and committed rape with her and then intoxicated
thereafter killed in the *pokhar*. Informant also disclosed that he
got information by viral of photo. Therefore, filed this case with
delay.

Learned counsel for the petitioner submits that the present case has been filed with ulterior motive. He submits that one similarly situated co-accused namely, Suraj Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 57220 of 2021.

Counsel for the petitioner further submits that petitioner is a man of clean antecedent and he is in custody since 05.05.2022, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 172 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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