

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74817 of 2023

Arising Out of PS. Case No.-369 Year-2018 Thana- BARACHATTI District- Gaya

Nitish Kumar, aged about 23 years (Male), S/O- Shankar Prasad, Resident of Village- Kesapi, P.S.- Dobhi, Dist- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 369 of 2018 dated 06.06.2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 427, 153A, 295A, 504, 506, 120B of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, all the F.I.R. named



accused persons including the petitioner and 300 unknown persons armed with deadly weapons entered 'Sansons World School' and assaulted the informant and others and damaged the school and have also raised religious slogan and fled away opening fire.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. His name has sprung up in the present case during investigation on the basis of disclosure made by some person that the petitioner is also present among 300 unknown persons. No incriminating article has been recovered either from his conscious possession or from his house to implicate him in the present case. The petitioner is a student and is preparing competitive examination and living in Patna. The petitioner has no concern with the alleged occurrence, as on the date and time of the alleged occurrence he was in Patna and not at the place of occurrence. It is further submitted that the alleged occurrence has taken place on 04.06.2018 as to when the F.I.R. has been registered on 06.06.2018 for which no



explanation has been given by the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sherghati at Gaya, in connection with Barachatti P.S. Case No. 369 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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