

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1662 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- BIHARIGANJ District- Madhepura

Nikhil Kumar @ Manish Kumar Son Of Vimal Rishideo @ Sumit Kumar R/O
Village- Hathiaundha, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Bihariganj P.S. Case No. 47 of 2022 registered under sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three unknown criminals shot dead the husband of the informant, namely, Pradeep Sah while he was going to see his newly constructed house.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. The



petitioner is not named in F.I.R. rather his name came into light in this case on the basis of confessional statement of other co-accused person before the police. He has not been put on T.I.P. and nothing has been recovered from his conscious possession. It is further submitted that except confess made by other co-accused, nothing substantive material came against the petitioner to implicate him in this alleged offence. Further, the informant is not the eye-witness of the alleged occurrence. The petitioner is languishing in judicial custody since 22.06.2022. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 15.03.2023 in Cr. Misc. No. 43485 of 2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bihariganj P.S. Case No. 47 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Madhepura.

(Sunil Kumar Panwar, J)

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