

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1713 of 2023

Arising Out of PS. Case No.-84 Year-2020 Thana- RAGHOPUR District- Vaishali

Nitish Kumar @ Nitish Ray, Son of Sri Kangresh Rai @ Kangress Ray, R/O
Vill.- Rustampur, P.S.- Raghobpur, Distt.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Niraj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Raghobpur P.S. Case No. 84 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the informant alleging therein that on account of previous enmity all the accused persons surrounded his father and started assaulting due to which he sustained injuries and later on died. So far the petitioner is concerned, it is alleged that after the occurrence he fled away along with co-accused Shrawan Kumar, against whom specific allegation has been levelled.

Learned counsel appearing on behalf of the petitioner



submits that from the F.I.R. it is evident that general and omnibus allegation has been levelled against all the accused persons, save and except Shrawan Kuamr, who is allegedly assaulted the deceased by means of sharp cutting weapon. However, the post-mortem report does not corroborate the allegation levelled in the F.I.R., inasmuch as only one injury has been found. He next submitted that the co-accused Shrawan Kumar has already been allowed the privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 3131 of 2022 vide order dated 19.12.2022, in the event of framing of charge. He lastly submits that the petitioner is in custody since 20.09.2022, having no criminal antecedent, and the charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that no specific allegation has been levelled against the petitioner, coupled with the fact that the investigation is complete and having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 84 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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