

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11800 of 2024**

Arising Out of PS. Case No.-185 Year-2023 Thana- BARAHAT District- Banka

NITESH KUMAR CHOUDHARY @ NITESH KUMAR S/o Sanjay
Choudhary R/o Village-Mirzapur, P.S.-Barahat, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Satyaveer Jha, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Barahat P.S. case
No. 185 of 2023 instituted for the offences under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Prosecution allegation, in short, is that on
account of earlier dispute, the accused persons including the
petitioner started indiscriminate firing on the brother of the
informant due to which he died.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present



case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner further submits that the deceased was veteran criminal of the locality and had six criminal cases including two cases under Section 302 I.P.C. and perhaps he may have been killed by his enemies but taking advantage of the same, the petitioner has been implicated in the present case. The petitioner is in custody since 29.09.2023 and has no criminal antecedent. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 10523 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, clean antecedent of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Barahat P.S.
case No. 185 of 2023.

(Rudra Prakash Mishra, J)

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