

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15761 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- JAMALPUR District- Munger

Nitish Kumar Son of Nand Kishor Paswan @ Phaggu Resident of Village-
Jagdishpur, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Puja Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jamalpur P.S. Case No. 224 of 2023 dated 15.11.2023 registered for the offences punishable u/ss 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, due to earlier enmity, the petitioner and the co-accused persons along with 1-2 unknown miscreants came and started calling the informant's son, when the informant came out they started firing on him which hit on the elbow of the left hand. Meanwhile, the informant's son came out upon hearing the sound of firing and



then the accused persons also fired on him which hit in his mouth. Thereafter, many people gathered there and the accused persons started fleeing away but the petitioner fell down and got head injury then the local people apprehended him and handed over to police.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. There is a case and counter case between the parties. As per the injury report of the informant, the informant received only one injury which is on non vital part of the body and the injury is simple in nature whereas the informant's son received only one injury which is also simple in nature. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Munger in connection with Jamalpur P.S. Case No. 224 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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