

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26882 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

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Nitesh Kumar S/o Kundan Rai @ Kundan Prasad R/o Village- Dahiyawa
Tola, Ward No.23, P.S.- Town, District- Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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

ORAL ORDER

3 18-07-2024 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 Rail P.S. Chapra (Kachahri) Case No. 278 of 2023 dated 22.12.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, 5-6 unknown miscreants are alleged to have assaulted the informant's son with knife due to which he sustained injury. Thereafter, the informant's son was taken to the hospital where he was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case in his confessional statement and the



confessional statement of the co-accused, Rakesh Kumar. It is further submitted that the petitioner has no concern with the alleged offence. The co-accused person has already been granted regular bail by this court vide order dated 30.04.2024 passed in Cr. Misc. No. 30412 of 2024. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 29.12.2023.

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, Railway , Sonapur at Saran in connection with Rail P.S. Chapra (Kachhari) Case No. 278 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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