

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27949 of 2024

Arising Out of PS. Case No.-237 Year-2022 Thana- FATUA District- Patna

Nitish Kumar Son of Jugeshwar Singh @ Bibri Resident of Village -
Budhuchak, P.S. - Fatuha, District - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 237 of 2022 dated 24.03.2022 registered
for the offences punishable under Sections 341, 323, 325, 307,
302 and 506/34 of the Indian Penal Code and Section 27 of
Arms Act.

3. Mr. Prabhat Kumar Singh, learned counsel for the
petitioner submits that there is no allegation against the
petitioner in the FIR, one co-accused namely, Pankaj Kumar
carrying similar nature of allegation has been granted bail by
this bench vide order dated 17.11.2022 passed in Cr. Misc. No.
41917 of 2022 and one co-accused namely, Anshu Kumar has
been granted bail by co-ordinate bench of this court vide order



dated 14.03.2023 passed in Cr. Misc. No. 55503 of 2022 and the petitioner has got no criminal antecedent and has been languishing in jail since 13.12.2023 and against him the investigation has been completed. It is further submitted that co-accused Vikash Kumar who inflicted fire-arm injury at the neck of the deceased, mother of the informant, has been granted bail by the trial court but the same court has rejected the bail prayer of the petitioner whereas against him there is no specific allegation in the FIR.

4. Mr. Ram Sumiran Rai, learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides and perused the FIR. Having regard to the afore-mentioned submissions and the facts that the petitioner has got clean antecedent and similarly situated co-accused persons have been granted bail by this bench and co-ordinate bench of this court vide orders passed in Cr. Misc. No. 41917 of 2022 and Cr. Misc. No. 55503 of 2022 respectively, this Court is inclined to grant privilege of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Fatuha P.S. Case No. 237 of



2022.

6. It is very surprising that the trial court granted bail to Vikash Kumar who is said to be the main assailant causing fire-arm injury at the vital part of the body of deceased but rejected the bail prayer of the petitioner without differentiating the case of the petitioner from the main accused on the merit of allegation and it seems that double standards and prejudicial approach in dealing with the bail matters of two accused persons have been adopted by the trial court. Hence, let the matter be placed before the Hon’ble Chief Justice for taking necessary action in administrative side.

(Shailendra Singh, J)

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