

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31268 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- RAGHOPUR District- Supaul

Nitish Kumar Yadav @ Nitish Kumar Son Of Rajendra Yadav @ Raju Yadav
@ Rajdeo Yadav @ Rajdev Yadav Resident Of Village - Dharhara Ward No.9,
P.S.- Raghapur, District - Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Raghapur P.S. Case No. 153 of 2023 instituted for the offences under Sections 324, 326, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 of the IPC has been added.

3. As per prosecution case, the petitioner along with five other miscreants got the informant's husband seated from back of Durga Temple. The petitioner, namely, Ankit Kumar, along with others exhorted to kill, as a result of which he succumbed to injury. Upon this, the co-accused Banti Kumar fired on the informant's husband indiscriminately due to that he sustained gunshot injuries on his chest, stomach, arm and thigh.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no specific allegation levelled against the petitioner. There is general and omnibus allegation against the petitioner. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 05.12.2023 passed in Cr. Misc. No. 77730 of 2023. Charge-sheet has been submitted in this case. The petitioner is in custody since 17.01.2024 and has no criminal antecedent.

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

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Raghopur P.S. Case No. 153 of 2023.

(Rudra Prakash Mishra, J)

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