

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48883 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Nitish Kumar Son of Nand Kishore Mahto R/O- Village- Samsa, Ward No.
-03, P.S.- Nawkothi, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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

ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Nawkothi P.S. Case No. 69 of 2023 instituted for the offences
under Sections 302, 201/120-B of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in committing murder of the
deceased. It is also alleged that for the purpose of disappearance
of the evidence, the miscreants covered the dead body under the
soil

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The present case is the amalgamation of the Muffasil P.S. Case No. 332 of 2023 registered under Section 366 of the I.P.C. against the unknown. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the spy report and the C.D.R. The police has recorded the confessional statement of the petitioner. There is no eye-witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.06.2023 without any rhymes or reason. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner and another under Sections 302, 201, 120-B/34 of the I.P.C.

5. Learned counsel for the petitioner again submits that the co-accused namely Mukesh Kumar @ Mukesh Chaudhary @ Madho has been granted bail by this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 19605 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Nawkothi P.S. Case No. 69 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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