

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42255 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- MAIRWAN District- Siwan

Nitish Kumar Singh, (M), aged about 25 years, Son of Prithvi Nath Singh,
Resident of Village - Jamsikari, P.S. - Siwan Mufassil, District – Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Udit Narayan Singh, Advocate
For the Opposite Party : Mrs. Nirmala Kumari, A.P.P.

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

ORAL ORDER

4 02-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mairwa
P.S. Case No. 306 of 2023 dated 27.09.2023 registered for the
offences punishable under Sections 307/34 of the I.P.C. and
Section 27 of the Arms Act.

3. As per the prosecution case, on 27.09.2023 at about
12.40 P.M., the informant was sitting at the counter of his shop,
in the meantime, three boys riding on a pulsar motorcycle, came
from *Nawtan Road* and stopped the motorcycle in front of this
shop, then the boy, who is sitting in back, wearing black shirt
and jeans, fired on the informant's counter with pistol.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Chandan Yadav made before the police which got no evidentiary value in the eye of law. The petitioner has not been put on T.I. Parade to ascertain the real culprit of the alleged crime. No incriminating article has been recovered from the possession of the petitioner. He has been falsely implicated in this case only because he is accused in other cases. No one has sustained injury. The petitioner has eight criminal antecedents and in two cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.01.2024.

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, 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 A.C.J.M.-III, Siwan in connection with Mairwa P.S. Case No. 306 of 2023 with further 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 bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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