

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62921 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- Kadirganj P.S. District- Nawada

Nitish Kumar, aged about 23 years (Male), Son of Rambriksh Yadav @
Ramapati Yadav, Resident of Village - Bishunpur, P.S.- Pakribrawan, District
– Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party : Mr. Md. Mushtaque Alam, A.P.P.

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

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kadirganj P.S. Case No. 54 of 2024 dated 29.03.2024 registered
for the offences punishable under Sections 341, 323, 324, 325,
326, 307 and 384/34 of the I.P.C.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have stopped the informant's
motorcycle and assaulted the informant with the butt of the
pistol due to that he became unconscious. When the informant's
brother came to rescue, the co-accused Bholu Yadav also
assaulted on his head with the butt of the pistol which hit his
mouth due to that his seven teeth got broken and blood started



oozing out, thereafter the petitioner Nitish Kumar and the co-accused Raju Rajbanshi also assaulted him with iron rod with intention to kill causing injuries to him.

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 there is no specific allegation of assault against the petitioner rather the same is against the co-accused Bholu Yadav. The said co-accused Bholu Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. No. 57056 of 2024 under order dated 21.08.2024. There is general and omnibus allegation against the petitioner. It is further submitted that there is allegation of assault with iron rod on the head of Nilesh Jha against the petitioner and the co-accused Raju Rajbanshi which hit on the finger of Nilesh Jha but the injury is not on the vital part of the body of Nilesh Jha. The alleged occurrence took place on 21.03.2024 but the F.I.R. was lodged on 29.03.2024 and the delay in lodging of the F.I.R. has not been explained by the prosecution. It is further submitted that no *Rangdari* was paid by the informant. The petitioner has five criminal antecedents and in three cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.06.2024.



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 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 C.J.M. Nawada in connection with Kadirganj P.S. Case No. 54 of 2024 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)

U.K./-

U		T	
---	--	---	--

