

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70584 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Nityanand Kumar @ Nityanand Kr., Male, aged about 29 years, Son of
Prabhakar Singh @ Pravakar Singh, R/o- Mohabbatpur, P.S - Shekhopur
Sarai, District - Sheikhpura, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-10-2024 Heard Mr. Vinay Kumar Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Nirmal Kumar

Sinha, learned APP for the State.

2. Petitioner seeks regular bail in connection with

Shekhopur Sarai P.S. Case No. 49 of 2024 registered for the

offences punishable under Sections 147, 148, 149, 341, 323,

307, 504, 506, & 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the

accused persons including the petitioner entered into the school

premises and when resisted, they assaulted the brother of the

informant, causing multiple injuries with intention to kill.

Specific allegation against petitioner is that he assaulted the

brother of the informant by the but of pistol on his head.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case due to land dispute pending between the petitioner and the informant. Learned counsel further submitted that in fact the brother of the informant was on duty in the said school and he fell down on the earth and as a result of which, he was badly injured but due to grudge, a concocted story has been cooked that petitioner assaulted the brother of the informant by means of the but of pistol on his head to implicate the petitioner in a false case and it should also be noted that FIR has been lodged under various sections of Indian Penal Code but not under Arms Act. Petitioner is in custody since 22.07.2024. One similarly situated co-accused has also been granted bail by this Court vide Annexure 1.

5. Learned APP appearing for the State opposes the bail prayer.

6. In the facts and circumstances of the case, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No.



49 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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