

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73570 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- SIKARPUR District- West Champaran

Nitish Kumar Son of Ratnesh Patel Resident of Village - Mangarhari, P.S. -
Shikarpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sessions Trial No. 487 of 2024 arising out of Shikarpur P.S. Case No. 154 of 2024 instituted for the offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the petitioner is of being involved in committing murder of the Informant's son.

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 due to suspicion. There is no eye-witness to the alleged occurrence. He further submits that the present F.I.R. has been registered after preparation of the inquest report which creates



doubt in the prosecution case. The independent witnesses in Para- 20, 21 and 22 of the case diary have categorically stated that the deceased has died due to train accident as he was sitting near the railway track and could not escape rather fell down when the train reached rapidly. The eye-witness, whose statement has been recorded in Para 53 & 56 of the case diary have also not supported the prosecution case. There was no motive for the petitioner to commit murder of the deceased. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and has *suo-motu* surrendered on 12.03.2024 and, since then, he is in custody without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the cognizance has been taken against the petitioner under Section 302 of the I.P.C. and, subsequently, charges have also been framed under Section 302 I.P.C. The postmortem report also supports the prosecution case. The deceased was last seen in the company of the petitioner. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. 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 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 Sessions Trial No. 487 of 2024 arising out of Shikarpur P.S. Case No. 154 of 2024, 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)

rishi/-

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

