

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 85141 of 2023

Arising Out of PS. Case No.-506 Year-2021 Thana- SONEPUR District- Saran

NITIN KUMAR Son of Ramji Rai R/o vill - Paharichak, P.S. - Sonapur, Distt.
- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav

For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Krishna Kumar Yadav, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sonpur P.S. Case No. 506 of 2021, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
302, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

3. Allegedly, on account of trifle, a dispute has arisen
whereupon when the informant's father tried to pacify the
matter amicably, all the co-accused persons armed with weapons
came to the house of the informant and started abusing. On
protest being made, co-accused Krishna Rai and Prem Kumar
Rai @ Chhotu fired upon the father of the informant due to
which he sustained firearm injury and subsequently died.



Further allegation has been made that co-accused Ajit Rai and Nitin Kumar (the petitioner) also assaulted the informant by catching hold of him. There are other omnibus allegation against other accused persons.

4. It is submitted on behalf of the petitioner that from the narratives of the FIR it is evident that only allegation against the petitioner is that he along with Ajit Rai @ Ajit Kumar assaulted the informant, however, there is no injury report in support of the allegation. Moreover, co-accused Ajit Rai @ Ajit Kumar against whom there is identical allegation, he has been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 58502 of 2023 *vide* order dated 13.09.2023. Similarly, other co-accused persons, who were also named in the FIR with omnibus allegation, they have also been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 44505 of 2022. He next submitted that the petitioner having fair antecedent undertakes that he will fully cooperate in the investigation and in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner is not the assailant of the deceased and that has specifically been attributed against Krishna Rai and Prem Kumar Rai @ Chhotu, coupled with the fact that there is no injury report, showing the informant was also subjected to assault, as also the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District Judge, Saran at Chapra in connection with Sonpur P.S. Case No. 506 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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