

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81704 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Nitish Kumar @ Nitish Yadav S/O Devanand Yadav Resident of Village-
Sukhasan, P.S- Simri Bakhtiarapur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Adv
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 30-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kusheshwar Asthan P.S. Case No. 102 of 2022 registered for the offences punishable u/s 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with nine other named accused persons is alleged to have made indiscriminate firing which resulted in the death of Kajal Yadav (the informant's brother). It is further alleged that the co-accused Deepak Yadav armed with rifle, had fired upon Kajal Yadav initially and then the rest of the accused persons had



made indiscriminate firing.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and there is general and omnibus allegation against the petitioner. It is further submitted that the specific allegation of firing is alleged against the co-accused Deepak Yadav while there is no specific allegation of overt act pointing towards this petitioner. It is next submitted that the petitioner has falsely been implicated in this case due to personal grudge. Learned counsel for the petitioner has drawn the attention of this Court towards the Annexure-3 and Annexure-4 whereby similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court vide order date 11.01.2024 passed in Cr. Misc. No. 86293 of 2023 and vide order dated 30.08.2024 passed in Cr. Misc. No. 48249 of 2024 respectively. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 12.08.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner has two criminal antecedents and is one of the accused who has fired upon the deceased, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the



parties and taking into account the fact that there is no specific allegation of firing upon the deceased is made against the petitioner rather the allegation is general and omnibus in nature coupled with the fact that the petitioner is in custody since 12.08.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 102 of 2022.

7. The application stands allowed.

(Sourendra Pandey, J)

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