

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86616 of 2024

Arising Out of PS. Case No.-271 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

Nilmani Kumar @ Kislay Anand Son of Ashok Pathak Resident of Near Mahanth College, P.S. - Town, District - Begusarai, Permanent Address - Resident of Village - Bijulia Ladhauna, P.S. - Samho, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Begusarai Town P.S. Case No.271 of 2017 registered for the offence under sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, the informant states that when he and his friend Gaurav Kumar were going outside, one Ankit Kumar stopped them and assaulted them on the ground that his friend Gaurav Kumar used to disturb his sister when she goes to coaching. He further states that Ankit Kumar called his friends wherein the present petitioner and three unknown person came armed with pistol and assaulted them. Ankit Kumar took



pistol from Nilmani Kumar, the petitioner herein and fired upon Gaurav Kumar as a result of which he sustained gun shot injury and in course of treatment the doctor declared him dead.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is direct allegation of firing upon Ankit Kumar who was already sent to jail. They only allegation leveled against this petitioner is that he had come to the place of occurrence and false allegation of taking pistol in the F.I.R is only in order to make the case very serious as against him. Learned counsel further submits that in paragraph no. 198 to 208 of the case diary, it transpired that some of the students of the coaching have stated that the petitioner was very much in the class and had not gone out anywhere.

5. The application for bail is opposed by learned APP for the State.

6. Taking into consideration the fact that petitioner is not the assailant of the deceased, similarly situated co-accused Abishek Kumar has been enlarged on anticipatory bail vide order dated 19.12.2017 passed in Cr. Misc. No. 43678 of 2017 and also considering the fact that the petitioner with no criminal antecedent, has remained in custody since 12.09.2024, the



petitioner is directed to be enlarged on bail in connection with Begusarai Town P.S. Case No.271 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Begusarai.

(Soni Shrivastava, J)

Harsh/-

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

