

In the Court of Additional Sessions Judge-VIII, Madhepura

(Present-Deepanshu Srivastava , Addl. S.J.-VIII, Madhepura)

Sessions Trial No. 36 of 2022

Nitish Kumar @ Pallo.....v/s.....State of Bihar).

On behalf of Petitioner Learned AdvocateSri Pramod Kumar Poddar.

On behalf of State.....Sri Shashidhar Prasad Singh A.P.P.

Date	Order of proceeding with signature	Remarks
26-05-2022	This regular bail application of the petitioner Nitish Kumar @ Pallo who is facing trial in ST 36/2022 is taken up today itself after hearing the both parties. Hear Sri Pramod Kumar Poddar, Id advocate appearing on behalf of the petitioner who is in custody since 17.10.2021 in connection with Madhepura (Bharrahi O.P) P.S. Case No. 814/2021 dated 16.10.2021 u/s 302, 120 (B) read with 34 of the IPC on his regular bail application. Also heard Id additional Pub. Prosecutor for the State. As per FIR the prosecution case in brief is that informant Sunita Devi alleged therein that on 15.10.2021 at 09:00 pm his son Rahul Kumar aged about 18 years old along with Nitish Kumar @ Pallo and 4 other unknown persons went to saw in fare of Durga Puja. Informant's son Rahul did not return at his home till whole night. Next day, in morning at about 05:00 am, informant knows from villagers that her son's deadbody thrown away on the side of the kacchi road which goes from Madhuban to Maruwaha Gram. Upon that information, informant reached there and saw that her son's deadbody lying on earth and found cut by <i>dabiya</i> on his back side of head. Informant further alleged that petitioner along with other four unknown persons co-jointly by criminal conspiracy murdered her son. Ld advocates appearing on behalf of the petitioner submitted that petitioner is quite innocent and has not committed any offence. Petitioner has falsely been alleged due to village politics and grudge. Further submitted that there is no any specific allegation against the petitioner. There is no any recovery from the possession of the petitioner. There is no any eye-witness of the occurrence. Lastly, Petitioner has got no criminal antecedent. Ld Addl P.P. on the other hand opposes the prayer of regular bail of the petitioner. Considering the aforesaid submission of both the sides and perused the S.T. Case record 36/2022 in which lower court case record along with original case-diary attached with. Petitioner is named one in FIR. Deceased Rahul Kumar deadbody found on Kacchi Sadak which goes towards Maruwaha village and on back of head of deadbody deep cut injury mark found which is caused by sharp cut weapon like <i>dabiya</i> which is substantiated through inquest-report and	

seizure-list of the case mentioned in para 1 of original case-diary. Apart from that there is re-statement of informant in para 5 of case-diary, statement of witnesses in para 6, 29 and 30 who have supported the prosecution case and involvement of the petitioner in the said occurrence. In para 10 of original case-diary there is confessional statement of petitioner in which he has confessed his guilt and in para 13 sharp edge *dabiya* which is used in the said occurrence recovered from the house of petitioner for which a seizure-list made. In para 36 Post-Mortem Report of deceased be mentioned in which cause of death is CR failure due to haemorrhage and shock due to above anti-mortem injury due to most probability ^{be h} brain haemorrhage. In para 39 of case-diary, case against this petitioner along with non FIR accused persons founds true in aforesaid mentioned sections i.e., 302/120(B)/34 of the IPC. Lastly, charge-sheet has been submitted against this petitioner u/s 302 and 120 (B) read with 34 of IPC vide charge-sheet No. 184/21 dated 31.12.2021 and supplementary investigation is going on against other non FIR accused persons.

Considering the above mentioned facts, circumstances of the case, allegation levelled against this petitioner and the material available in the original case-diary in support thereof, I am not inclined to enlarge the petitioner namely, Nitish Kumar @ Pallo on regular bail and accordingly, his prayer for regular bail stands **rejected** in connection with Sessions Trial No. 36/2022.

Deepanshu Srivastava

26.05.22
Deepanshu Srivastava

Addl.S.J.-VIII
Madhepura