

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14056 of 2015

Arising Out of PS.Case No. -50 Year- 2013 Thana -BAKHTIYARPUR District- PATNA

Nitish Kumar Son of Kapil Yadav Resident of Village - Belthan, Police
Station - Bakhtiyarpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-07-2015

Heard both sides

The petitioner seeks bail in a case registered under
Section 302 and other sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant named 13 persons in the F.I.R. It is
alleged that when the informant reached at the place of
occurrence, his brother Kishore Yadav disclosed that all the
accused persons made firing. Later on, Kishore Yadav himself
disclosed that the petitioners Ramittar Yadav and Nitish Kumar
firstly fired. Sri Krishna Prasad Singh, learned Senior Counsel for
the petitioner, submits that the informant is admittedly not an eye-
witness of the occurrence. The case is based on the oral
declaration of the deceased. On the basis of the disclosure made
by the deceased it appears that Ramittar Yadav and Nitish Kumar



fired but from perusal of the post-mortem report, it would appear that one wound injury is at the entry point and another wound injury is at the exit point. Both the injuries are communicative to each other. Therefore, the deceased got only one firearm injury. One witness, claiming himself to be the eye-witness of the occurrence, in Paras 48 & 49 of the case diary disclosed the same fact but this witness had been examined after eight months of the occurrence and the reason for not examining him earlier, even though he claimed himself to be the eye-witness of the occurrence, has not been explained.

The learned A.P.P., however, opposed the prayer for bail.

There appears that the deceased himself disclosed to the informant that Ramittar Yadav and Nitish Kumar (the petitioner) firstly fired and the deceased died due to firearm injury. The petitioner has got criminal antecedents.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail in Bakhtiyarpur P.S. Case No. 50/13. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial and conclude the same within six months from the date of receipt / production of this order. If the trial is not concluded

within the stipulated period, the petitioner may renew his prayer
for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

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