

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47862 of 2021

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

Chotelal Mistri Son of Sarun Mistri Resident of Village simraur, P.S. -
Nimchak Bathani, District – Gaya. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP
For the informant : Mr. Shivam, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-11-2021 Heard the learned counsel for the petitioner,

Ms. Anita Kumari Singh, the learned APP appearing for the

State and Mr. Shivam, the learned counsel for the informant.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Nimchak Bathani PS case no. 103 of 2018 under Sections 302, 120B, 147, 148, 149 of the Indian Penal Code and 27 of Arms Act, inasmuch as the earlier prayer of the petitioner for grant of bail has been rejected by this Court by an order dated 17.09.2020, passed in Cr. Misc. no. 10844 of 2020.

The case of the prosecution in brief is that the informant was roaming around the pond situated near his new house along with his relatives and his son was feeding the fishes in the pond, whereupon two Bolero vehicles came and stopped there and the accused persons including the petitioner herein



had alighted from the vehicle, whereafter they had fired on the son of the informant after surrounding him, resulting in his death on the spot.

The learned counsel for the petitioner has submitted that there were five assailants but there are only two gun shot wounds, hence the benefit of doubt can be granted to the petitioner and moreover, he is languishing in custody since 21.10.2019.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that there is no change in circumstance so as to re-consider the prayer of the petitioner for grant of regular bail and moreover, the petitioner is alleged to have committed a heinous crime, hence this Court does not find any merit in the present case, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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