

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38656 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- NTPC District- Patna

=====

INDRAJIT KUMAR Son of Gourishankar Yadav Resident of Village- Raily,
P.S.- NTPC, Distt- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Heard learned counsel for the petitioner and Mr.

Nirmal Kumar Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with NTPC P.S. Case No. 17 of 2020 registered
for the offence under Section 302, 307, 34 of the Indian Penal
Code and Section 27 of the Arms Act,

As per the prosecution story, it is alleged that on
08.03.2020 the marriage ceremony of the son of the informant
was going to be held with the daughter of the Shiv Shankar
Yadav of vilalge Railey and when the Barat reached in the
village, two dancer were dancing with D.J. Band, in the
meantime, 5-6 boys arrived and stopped the dancer to dance on
their will. The quarrel was started between both the parties and
some boys started firing, in which some persons received gun



shot injuries. One boy was apprehended by Barat party who disclosed his name as Jitendra Kumar. Jitendra Kumar stated that his brother Indrajeet Kumar had fired and also disclosed the name of the accused persons. One Amit Kumar had died in the mid-way of the hospital and one injured is getting treatment in Patna.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The name of the petitioner has been allegedly disclosed by his brother Jitendra Kumar, however there is no eye witness to the alleged occurrence despite presence of several persons on the spot. Petitioner has got one criminal antecedent but he is on bail in the said case.

Learned counsel further submits that there was no intention to kill the nephew of the informant and as such this cannot be a case of culpable homicide of the deceased.

Mr. Nirmal Kumar Sinha, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that in course of investigation several witnesses have supported the prosecution case alleging that 5-6 boys had arrived and they wanted to stop the dancer for dancing on their will, in the said quarrel several persons were involved and one



of them had fired. The Barat Party caught hold of one Jitendra Kumar who disclosed the name of this petitioner. Jitendra Kumar is the brother of the petitioner. The prosecution witnesses have supported the version of the informant.

Considering the facts and circumstances of the case wherein there is direct allegation that this petitioner had fired upon the Barat Party in course of quarrel as some people wanted to stop the dancer and were asking her to dance on their will, the name of the petitioner has transpired in the statement of his own brother Jitendra Kumar, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

