

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39469 of 2020

Arising Out of PS. Case No.-259 Year-2019 Thana- SOHSARAI District- Nalanda

NITISH KUMAR Son of Nandu Paswan Resident of Mohalla- Ashanagar,
P.S.- Sohsarai, District- Nalanad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Sohsarai PS Case No. 259 of 2019 registered under Sections 147, 149, 448, 307, 302 of the IPC and Section 27 of the Arms Act.

There is a specific allegation against the petitioner of firing upon the informant's brother Aman Kumar.

It is submitted by learned Counsel for the petitioner that it is a case of false implication and post mortem report does not support the prosecution version as stated in the FIR. In spite of the case diary having been received, the post mortem report is not before this Court as it is not to be found in the case diary. The petitioner is in custody since 29.9.2019.

Learned APP, however, submits that the deceased has given a dying declaration, wherein he has specifically supported the



allegation of firing upon him by the instant petitioner.

Considering the rival submissions, for the present, this Court is not inclined to allow the prayer for bail.

The petitioner would be at liberty to approach this Court after framing of charges.

The application for bail is dismissed.

(Madhuresh Prasad, J)

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