

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7552 of 2022

Arising Out of PS. Case No.-196 Year-2015 Thana- MUNGER MUFFASIL District- Munger

Bibhanshu Kumar Nirala @ Bibhanshu Nirala @ Bibhansu Nirala Son Of
Bindeshwari Yadav @ Bindeshwari Prasad Yadav R/O Village- Kalyanchak,
P.S.- Muffasil (MUNGER), District- Munger

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. P.K.Shahi, Sr. Advocate and
Mr.Rohit Kumar, Advocate

For the Opposite Party : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-09-2022 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 307/34 and other ancillary sections of the Indian Penal Code.

Prosecution case is that when the informant and one Junior engineer were returning after inspecting building construction work of a middle school, the petitioner fired at him which hit his waist and when he tried to escape, again firing was made by the petitioner which again hit his waist. Firing made by co-accused Himanshu Nirala caused fire arms injury in the leg of the victim.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case due to personal grudge and political rivalry. As a matter of fact, on the alleged date of occurrence, petitioner was in Delhi for getting assembly ticket of a political party. He submits that as per the FIR, occurrence took place on 15.9.2015 at about 3.30 pm near Kataria Middle School, Munger, whereas petitioner boarded Indigo Airlines Flight from New Delhi Airport to Patna on 15.9.2015 at 2.10 pm and reached Patna accordingly. In support of the contention, photo stat copies of the flight ticket/boarding pass & Hotel bill are contained in Annexure 3 to the bail petition). It is also submitted that police after investigation submitted final form against the petitioner but differing with the same, court below took cognizance of the offence against the petitioner also. Petitioner has got no criminal antecedent.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in Muffasil Police Station Case No. 196 of 2015/GR No.1764 of 2015/CRS



No.1941 of 2015, subject to the conditions laid down under
section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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