

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10889 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Nitish Kumar Son of Dilip Prasad R/O Village- Maharajganj Dakhchhin Gali,
P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nagar
P.S. Case No. 362 of 2021 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.10.2021.

The allegation against the petitioner is to commit
murder of husband of the informant with fire arm.



Learned counsel appearing on behalf of the petitioner submitted that for the simple reason, as the petitioner was the friend of the deceased/husband of the informant, he has been falsely implicated in this case. It is submitted that no eye witness has been examined during the course of investigation. It is further submitted that petitioner was not found involved talking with other co-accused persons, as per CDR. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation is complete in this case for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that the informant, who is the wife of the deceased, is the eye witness of the occurrence, wherein, it has been specifically stated that it was the petitioner, who fired upon the deceased/husband of the informant. It is further submitted that post mortem report is also suggesting that deceased died due to multiple bullet injury.

Considering the facts and circumstances as mentioned above, as there is specific allegation of firing against the petitioner causing death of the husband of the informant, this



Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected herewith, with liberty to the petitioner to renew his prayer of bail after nine months, if trial is not concluded within the stipulated period of time.

Superintendent of Police, Aurangabad is directed to produce the chargesheeted witnesses, as and when required by the Trial Court, for expeditious disposal of the trial.

(Chandra Shekhar Jha, J)

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