

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16721 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- SONEPUR District- Saran

Nirbhay Kumar @ Niraj Kumar @ Niraj Kumar Singh @ Nirbhay Singh Son
of Kamlesh Singh @ Kamlesh Kumar Singh Resident of Village - Kharika
Gangajal, P.s.- Sonpur (Pahleja O.P.), Distt.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate
	:	Mr. Rakesh Kumar, Advocate
	:	Mr. Siyaram Pandey, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Dewendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-08-2022 Heard learned senior counsel appearing on behalf of
the petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Sonapur
P.S. (Pahleja O.P.) Case No. 249 of 2021 registered for the
offence under Sections 147, 148, 149, 342, 323, 302, 504 and
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.05.2021.

The allegation against the petitioner is to commit



murder of brother of the informant, equipped with deadly sharp edged weapons, alongwith other co-accused persons, for previous land dispute.

Learned senior counsel appearing on behalf of the petitioner submitted that post mortem report is creating a doubt, as regard to the manner of assault. It is submitted that if the allegation is believed to be true on its face, then certainly death must be caused due to injury caused by sharp edged weapon but the post mortem report is saying something different, suggesting thereof, that the death was caused due to injury caused by hard and blunt substance. It is also submitted that informant and petitioner are agnets, having previous land dispute. It is further submitted that occurrence was nothing but a free fight, where petitioner has also received injury and lodged a case u/s 307 of the I.P.C. against the informant and others. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for he informant, while opposing the prayer of bail, submitted that allegation, as regard to assault, is very much specific against this petitioner, where the informant is the eye witness of the



occurrence. It is further submitted that bail petition of the similarly situated co-accused, namely, Abhay Kumar Singh has already been rejected by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 5325 of 2022 dated 16.05.2022.

In view of the facts and circumstances, as mentioned above, as there is specific allegation against this petitioner to cause fatal blow, resulting death of brother of the informant, this Court is not inclined to grant bail to the petitioner.

However, Trial Court is directed to conclude the trial within a period of six months from the date of receipt of this order, by taking the matter on board, on day to day basis.

Superintendent of Police, Saran is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of the trial, within the aforesaid time period.

(Chandra Shekhar Jha, J)

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