

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16819 of 2022**

Arising Out of PS. Case No.-150 Year-2020 Thana- PURNAHYA District- Sheohar

Niraj Pathak @ Niraj Kumar @ Chinese S/o Late Ragho Pathak R/o village-
Bathnaha, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 120(b),
302, 307, 34 of the Indian Penal Code and Section 27 of the
Arms Act, in connection with Purnahiya P.S. Case No. 150 of
2020.

As per the prosecution story, the informant has
alleged that his younger brother Shri Narayan Singh who was
contesting Bihar Assembly Election was visiting different
villages in rally. On 24.10.2020, he was requested by Pankaj



Mahto to visit his home and campaign there. Accordingly, he visited the place but the Pankaj Mahto was missing. However, he started door to door campaign in which two persons came out of the crowd and resorted to indiscriminate firing upon his younger brother who finally succumbed to his injuries. The mob caught two accused persons, the petitioner is one of them. The other accused Gaurishankar Maharaj was brutally beaten and he died on the spot.

Learned counsel for the petitioner submits that it was a mistaken identity and he was also part of the mob in the campaign who was wrongly picked up and he is in custody since 23.11.2000.

In this case, case diary was called for.

Per contra, the learned APP, the different paragraphs of the case diary clearly show that the petitioner was one of the accused who opened fire killing the informant's younger brother.

Taking into account the fact that post indiscriminate firing, the petitioner was caught at the spot and during the investigation, witnesses have supported the prosecution theory, this Court is not inclined to grant any relief to him and the bail application is accordingly rejected.



The Trial court is directed to expedite the trial
and conclude the same expeditiously and if possible within
one year.

(Rajiv Roy, J)

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