

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25372 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- ATHMALGOLA District- Patna

Nitish Kumar, Son of Rajbrij Rai Resident of Village - Dariyapur, P.S.-
Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner, the State and the
learned counsel for the informant.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Athmalgola P.S. Case No. 192 of 2021 instituted under Sections 147,
148, 149, 341, 342, 323, 325, 337, 338, 307 of the Indian Penal Code
and Section 27 of the Arms Act.

The prosecution case, in short, is that on 09.10.2021 at
6.00 P.M., the informant lodged an information with Athmalgola
Police Station stating that his uncle was going to attend the nature's
call. At that time, Rajbrij Rai, Raj Deo Rai, Binod Rai, Baiju Rai,
Ayodhya Rai, Dinesh Rai, Nitish Kumar, Jitendra Kumar, Guddu
Kumar, Santosh Rai, Moti Ki, Lalita Rai, Bhuneshwar Rai, Umesh
Rai and Bakhaury Rai came there with variously armed. They started
pelting stones on their house. Further, Nitish Kumar opened fire



from his pistol which hit in the thigh over the hydrocele of Bolly Ray who fell down on the ground and became unconscious. All accused persons fled away thereafter.

Learned counsel for the petitioner submits that there is case and counter case relating to the dispute over payment of amount as their land was acquired by Government for construction of four lane and due to this dispute the incident happened causing injury to both side. So far as the petitioner in question is concerned, the case has been exaggerated.

Learned counsel for the informant, fully supported by learned APP submits that a bare perusal of the FIR shows that specific allegation has been made against the petitioner herein that he opened fire.

Taking into account the kind of allegation that has been made in the FIR against the petitioner herein, this Court for the present is not inclined to grant him privilege of bail which is accordingly rejected.

The Trial court is directed to expedite the Trial and see to it that the same is concluded preferably within a period of nine months.

(Rajiv Roy, J)

Prakash Narayan /-

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