

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29604 of 2022**

Arising Out of PS. Case No.-108 Year-2019 Thana- MATIHANI District- Begusarai

RAJESH SINGH @ NAGA S/o Ram Rashik Singh R/o- Village - Cheria  
Bariyarpur, P.S. - Cheria Bariyarpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      02-11-2022                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Matihani PS case no. 108 of 2019, instituted for the offences punishable under Section 302/34 of the Indian Penal Code read with Section 27 of the Arms Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court vide order dated 16.03.2021, passed in Cr. Misc. no. 36662 of 2020.

The allegation is regarding the petitioner and one other co-accused person having fired gun shots on the brother of the informant, resulting in his death.

The learned counsel for the petitioner has submitted



that the petitioner is languishing in custody since 13.07.2019, however, there is no progress in the trial. It is further submitted that similarly situated co-accused person has been granted bail vide order dated 15.12.2021, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 27553 of 2021.

*Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the earlier order of this Court dated 16.03.2021 is a well reasoned and an elaborate order, wherein this Court, after taking into account the materials available on record as also those available in the case diary, has found that *prima facie*, a case is definitely made out against the petitioner of firing gun shots on the injured, resulting in him sustaining grievous injuries and moreover, two firearm injuries have also been found on the body of the deceased. It is further submitted that not only the case of the co-accused person is distinguishable from the case of the petitioner herein but apparently, the order of this Court dated 16.03.2021 was not brought to the notice of the co-ordinate Bench, which has granted bail to the co-accused person vide order dated 15.12.2021.

Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned



counsel for the parties, this Court finds that there is no change in  
circumstance so as to warrant re-consideration of the prayer of  
the petitioner for grant of bail, hence, I do not find any merit in  
the present case, accordingly, the same stands dismissed.

**(Mohit Kumar Shah, J)**

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