

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57188 of 2021**

Arising Out of PS. Case No.-371 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Niraj Kumar @ Niraj Kumar Kushwaha, S/o Kanhiya Singh, Resident of
Mohalla- Mitralok Colony, Pandey Patti, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 02-03-2022 Heard Mr. Arun Kumar Gupta, learned counsel for
the petitioner and Mr. Amitesh Kumar, learned APP for the
State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in connection with Buxar
(M) P.S. Case No. 371 of 2020 registered under Sections 307,
302/34 of the Indian Penal Code read with Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.05.2021, is a person with clean
antecedent, charge-sheet has been submitted and the informant
alleges that his son (deceased) was in the field getting the rice
harvested when five unknown accused came and started



indiscriminate firing, causing injuries on back, head, leg and shoulder of the deceased and when the informant and the villagers rushed to save the deceased, the accused fired at them also and fled from three different motorcycles on which 3 accused were waiting for them. Further the son was declared dead on arrival of the hospital. Learned counsel submits that FIR was against unknown and the name of the petitioner transpired in the confessional statement of accused Sheru Singh, Krishna Kumar, Ajay Kumar, Bum Yadav, Alok Kumar, Upendra, Kundan, Govind Yadav and Rohan Thakur at para 43, 44, 45, 145, 153, 186 of the case diary and para 49, 50 and 51 of the Supplementary case diary, as has been recorded in the impugned order.

Learned counsel for the petitioner submits that the name of the petitioner came in the confessional statement of 10 co-accused when in the FIR allegation is that only eight accused persons were present at the place of occurrence and if the petitioner is included then number of accused will increase to 11. Learned counsel further submits that similarly situated co accused, namely, Batali Yadav, has been granted bail by order dated 13.12.2021 in Cr. Misc. No. 38223 of 2021.

The learned APP opposes the bail application.



Considering the fact that the petitioner is in custody, charge-sheet has been submitted, is a person with clean antecedent and co-accused has been granted bail, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 371 of 2020.

(Satyavrat Verma, J)

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