

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21213 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- NAYAGAON District- Begusarai

1. PRAHLAD SINGH Son of Late Ganga Singh Resident of village - Sonapur Dih, P.S.- Nayagaon, District - Begusarai.
2. Rakesh Kumar Singh @ Gonga @ Rakesh Kumar Son of Shiv Kumar Singh Resident of village - Sonapur Dih, P.S.- Nayagaon, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the Informant	:	Mr. Sarita Kumari, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioners seek bail, who are in custody since 19.10.2022 and 21.10.2022, in connection with Nayagaon P.S. Case No. 75 of 2022, F.I.R. dated 11.10.2022 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioners is that they fired upon the father of the informant namely Vijay Kumar Singh due to which he died on the spot.

4. Learned counsel for the petitioners submits that



the petitioner no. 1 carries one more case other than the present one whereas petitioner no. 2 has clean antecedent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that co-accused Shiv Kumar Singh is aged about 70 years and as per allegation in the F.I.R. all the four accused persons including these petitioners have fired upon the victim so there is no specific allegation against these petitioners.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that altogether four bullets were found on the persons of the deceased and the allegation is supported by the postmortem report and there is direct and specific allegation against these petitioners.

6. Considering the aforesaid facts that there is direct allegation against the petitioners, I am not inclined to enlarge the petitioners on bail in connection with Nayagaon P.S. Case No. 75 of 2022 pending in the Court of Judicial Magistrate 1st



Class, Begusarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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