

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21656 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- SAHAR District- Bhojpur

NIRAJ KUMAR @ KARIMAN SON OF AJAY SINGH R/O VILLAGE-
EKWARI, P.S.- SAHAR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Sahar P.S. Case No.241 of 2021 registered for the offences punishable under Sections 307, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that his younger brother (deceased) was shot dead by this petitioner and some unknown persons.

The main submissions advanced by the learned counsel Mr. Ravindra Kumar for the petitioner are that as per the FIR the informant is not eye witness and he claimed to have got the knowledge of the alleged role of the petitioner in the commission of the alleged occurrence of murder from some



villagers but he did not disclose the names of said villagers, hence the statement made by the informant in the FIR is hearsay only. Further submission is that the inquest report was prepared at Sadar Hospital and not at the place of occurrence and the Panchnama of the dead body was also not prepared at the place of occurrence and the fardbeyan of the informant was recorded after postmortem examination of the deceased which was afterthought and the petitioner has been falsely dragged in the case due to village politics and in actual the petitioner was at his home when the alleged occurrence took place and after the commission of the alleged occurrence the petitioner did not make any attempt to flee away and the said conduct of the petitioner also goes in his favour which shows his innocence.

Learned APP Mr. Nitya Nand Tiwary appearing for the State has opposed the bail prayer.

Having considered the seriousness of the occurrence which relates to murder and the petitioner is named in the FIR and during the course of investigation one important witness namely Rakhi Kumari supported the allegation concerned to the petitioner and she made a direct allegation of firing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer



stands rejected.

The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one year. If the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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