

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22398 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- BARARI District- Katihar

Nitish Kumar, son of Sohin Mandal, R/O Village-Ajmeripur, P.S.- Nathnagar,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Barari P.S.
Case No.263 of 2021 registered for the offence punishable under
Sections 324, 452, 307, 506 of the Indian Penal Code and Section 27
of the Arms Act, pending in the court of learned Additional Chief
Judicial Magistrate, 3rd, Katihar.

It is alleged that the petitioner has fired upon the
informant, who has sustained gun-shot injury on his ear.

The petitioner's counsel submits that the petitioner was
Driver of the informant and has been implicated on extraneous
considerations. He has remained in custody since 24.12.2021.

The learned APP, however, submits that the injury report
shows nature of injury to be grievous caused by firearm,
corroborating the allegations. Since the petitioner was Driver of the
informant, it is only natural that he has been named by the informant
who will be recognizing him.

Considering the rival submissions, this Court is not
inclined to allow the prayer for bail, for the present. The same is



rejected.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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