

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24756 of 2022

Arising Out of PS. Case No.-509 Year-2021 Thana- HARNAUT District- Nalanda

RANDHIR KUMAR Son of Rajan Yadav Resident of village - Naya Khandha, P.S.- Harnaut (Telmar), District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31582 of 2022

Arising Out of PS. Case No.-509 Year-2021 Thana- HARNAUT District- Nalanda

DHARMBIR KUMAR @ DHARMVIR KUMAR SON OF RAJAN YADAV
R/O MOHALLA- NAYA KHANDHA, P.S.- HARNAUT (TELMAR),
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24756 of 2022)

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the State : Mr. Shantanu Kumar, APP

For the Informant : Mr. Nityanand Tiwary, Advocate

(In CRIMINAL MISCELLANEOUS No. 31582 of 2022)

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the State : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 12-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 302 and
34 of the Indian Penal Code and section 27 of the Arms Act.



As per the prosecution case, the accused persons including the two petitioners herein are stated to have surrounded the informant. On the orders of Ram Raj Yadav it is stated that the petitioner Randhir Kumar and one Praduman Kumar caught hold of the informant's son while Ram Kripal Kumar shot him seriously injuring him.

It is submitted by learned counsel for the petitioner Dharmbir Kumar that besides being named in the FIR, no overt act has been alleged against him. He is in custody since 14.2.2022 and charge sheet has been submitted in the case.

On behalf of petitioner Randhir Kumar it is submitted that even from the FIR the sole assailant of the deceased is co-accused Ram Kripal Kumar and not the petitioner. He is in custody since 11.1.2022 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that both the petitioners were not only present but have actively participated in the occurrence wherein the son of the informant was shot and killed. The case is fixed for commitment on 19.1.2023.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner



Randhir Kumar who is said to have caught hold of the son of the informant along with one another while he was shot and killed by Ramkripal Kumar, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner Randhir Kumar to to renew his prayer for bail after framing of charge or after six months, whichever is later.

In the facts of the case, petitioner Dharmbir Kumar who is in custody since 14.2.2022 is directed to be enlarge on bail in connection with Harnaut (Telmar) P.S. Case no. 509 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Biharsharif.

(Partha Sarthy, J)

Prakash/-

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