

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42857 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- ALOULI District- Khagaria

NAND KUMAR S/O RAJENDRA YADAV Resident of village-
Bhikharighat, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 307, 353/34 of the Indian Penal
Code and Section 25(1-b)a/26/35 and 27 of the Arms Act.

As per allegation in the FIR, on getting secret
information of whereabouts of Nand Kumar, an accused of Alauli
P.S. Case No. 134 of 2019, police party proceeded there and on
seeing the police party, petitioner and one another person tried
to escape by making fire. In retaliation police party also started
firing which hit on right thigh of the petitioner and another
managed to escape. From his possession one country made
pistol and 13 live cartridges and one empty cartridge were
recovered from the basa of the petitioner.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. Nothing has been recovered from the possession of the petitioner rather the same were planted one due to high handedness of the police. Petitioner is in custody since 13.11.2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that during investigation several witnesses have supported the prosecution case in para 13,14,31 of the case diary, which is also mentioned in the impugned order.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial as early as possible.

(Sunil Kumar Panwar, J)

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