

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43672 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- SAUR BAZAR District- Saharsa

PRINCE KUMAR @ NANHE Son of Pramod Yadav Resident of Village -
Parmanandpur, P.s.- Ghailadh, Distt.- Madhepur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma
		Mr.Arun Kumar Sinha
For the Opposite Party/s :		Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sour
Bazar P.S. Case 77/2022, registered for the offence punishable
under Sections 302, 201, 120B of the Indian Penal Code.

As per prosecution case, allegation against the
petitioner and others to have concertedly committed the murder of
informant's younger brother by pushing on railway line as a result
of which he sustained injuries on head and the whole body and
died on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.
The deceased died due to accident. The petitioner is languishing in



custody since 21.02.2022 and bears no criminal antecedent. He further submits that FIR has been lodged after twenty hours from the point of time when occurrence took place.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that one eye witness Rahul Kumar has supported the prosecution story in toto and there is allegation against the petitioner to commit the murder of the informant's younger brother by pushing on railway line as a result of which he died and the postmortem report also supports the prosecution story.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with the postmortem report and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

However, if trial is not concluded within nine months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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