

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43051 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- NAYAGAON District- Begusarai

Shivam Kumar Son Of Ramanuj Singh R/O Village- Balahpur, P.S.-
Nayagaon In The District Of Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s :	Mr. Harendra Prasad, APP
For the Informant :	Mr. Krishna Chandra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

9 05-04-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Krishna Chandra, learned counsel appearing on behalf of the informant as well as Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in connection with Nayagaon P.S. Case No. 58 of 2021 for the offences punishable under Sections 387, 302, 506, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the accused persons along with the petitioner armed with fire arms has fired in the



parietal region of the brother of the informant because he has not given rangdari and subsequently he died at the spot.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that there is no specific allegation of any assault or overt act against the petitioner.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has not come before this Court with clean hands and petitioner has concealed his criminal antecedent and after that the petitioner has filed supplementary affidavit stating that the petitioner has criminal antecedent. They further submits that it has come during investigation that the petitioner has fired upon the deceased and it appears from the F.I.R. that there is direct allegation against the petitioner that he has fired upon the victim and the victim died at the spot. They further submits that the postmortem report of the deceased has also supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Nayagaon P.S.



Case No. 58 of 2021 pending in the court of learned Judicial
Magistrate, 1st Class, Begusarai.

Prayer is refused.

(Rajesh Kumar Verma, J)

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