

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45457 of 2022

Arising Out of PS. Case No.-814 Year-2021 Thana- KAHALGAON District- Bhagalpur

NEERAJ KUMAR SON OF CHHATISH SAH @ CHHATIS SAH R/O
VILLAGE- NAYA BAZAR, GANGLADAY, WARD NO. 02, P.S.-
KAHALGAON, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kahalgaon P.S. Case No. 814 of 2021, registered for the offence punishable under Sections 307, 34, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner and one of his accomplice had joined the marriage procession on the alleged date and time of occurrence, whereafter they started dancing while brandishing firearms and then, the petitioner is alleged to have fired gunshot, hitting the son of the informant on his



head, resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 18.1.2022. The learned counsel for the petitioner has taken the plea of alibi to contend that the petitioner was not present at the alleged date and time of occurrence and he is having no complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has referred to the case diary to contend that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime and specific allegation has been levelled against the petitioner of firing gunshots on the head of the son of the informant, resulting in his death.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



on record as also considering the materials available in the case diary, this Court finds that there are ample materials on record, which have been collected during the course of investigation, to prima facie show the complicity of the petitioner in the alleged occurrence, apart from the fact that an independent witness, namely, Rohit Kumar, whose statement has been recorded in paragraph no. 7 of the case diary, has supported the prosecution version, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

Ajay/Sonal-

U		T	
---	--	---	--

