

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42939 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Shinku @ Rajnish Kumar S/O Upendra Singh R/O Village- Imaliya, P.S- Pali,
Distt.- Jahanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45421 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Nagendra Yadav @ Narendra Yadav Son Of Devnandan Yadav Village-
Narayan Nagar, Ps- Muffasil Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60832 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Tej Pratap Singh Son Of Sri Balirm Singh Resident Of Village Rana Nagar
Janakpur, Ps Muffasil, Dist- Gaya, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42939 of 2023)

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

(In CRIMINAL MISCELLANEOUS No. 45421 of 2023)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

(In CRIMINAL MISCELLANEOUS No. 60832 of 2023)

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR



ORAL ORDER

4 14-09-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for bail in connection with Muffasil (Gaya) P.S. Case No. 178 of 2023 instituted for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short, is that, the petitioners along with other co-accused person came at the house of the informant and started firing upon the informant's husband due to which he sustained firearm injury and later on, the doctor declared him dead in the hospital. It is further alleged that the informant saw the petitioner No.1 along with other co-accused person with arms in their hands while they were fleeing by motorcycle.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case due to land dispute. A statement has been made in para-3 of this petition that the petitioner No.1, namely, Shinku has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.02.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the petitioner No.1 is named in FIR and



there is circumstantial evidence against him as he was seen by the informant at the place of occurrence while he was fleeing after commission of the offence. During investigation, witness also supported the prosecution version.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner No.1, namely, Sinku on bail and, as such, his prayer for bail stands rejected.

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

So far as the petitioner No.2, namely, Nagendra Yadav and petitioner No.3, namely, Tej Pratap Singh are concerned, there is no any specific allegation has been levelled against both of them, only on the basis of suspicion, petitioner No.2 and 3 have been dragged in this case. It is further submitted that except suspicion, no consistent evidence has been collected against both of them. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 08.09.2023. in Cr. Misc. No. 45479 of 2023. Moreover, the petitioner No.2 is languishing in judicial custody since 14.02.2023 whereas the petitioner No.3 is languishing in judicial custody since 23.06.2023.



The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioner No.2 and petitioner No.3, the Court is inclined to enlarge the petitioners on bail. The above named petitioner No.2, namely, Nagendra Yadav and petitioner No.3, namely, Tej Pratap Singh are directed to be enlarged on bail in connection with Gaya Muffasil P.S. Case No. 178 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya.

(Sunil Kumar Panwar, J)

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