

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64198 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- KHIJARSARAI District- Gaya

NITISH KUMAR @ NITISH KUMAR NAYAN Son of Ajit Kumar Sen @
Anil Kumar Sen @ Ajit Kumar R/V- Satamas, P.S- Khizersarai, District- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Khizersarai P.S. Case No. 375 of 2021 registered for the
offences punishable under Sections 325 and 307 of the Indian
Penal Code and Sections 25(a)/27 of the Arms Act.

As per the prosecution, the informant namely Saurabh
Kumar and one Anokhi Kumari were hit by bullets which were
indiscriminately fired by this petitioner.

The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
celebratory firing which took place at the occasion of marriage
ceremony and as per allegation, the petitioner opened fire
when the marriage ceremony was going on but the said
allegation is completely false as from the possession of the



petitioner, no firearm was recovered and moreover any motive on the part of the petitioner to kill anyone cannot be presumed and on account of the alleged firing, two persons sustained firearm injuries on their non-vital part of the body. Further submission is that the petitioner has fair and clean antecedent and he has been languishing in jail since 06.07.2022.

Learned APP appearing for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly the petitioner's fair and clean antecedent and his custody period and also the fact that he is accused of making celebratory firing at the occasion of marriage ceremony, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Khizersarai P.S. Case No. 375 of 2021.

(Shailendra Singh, J)

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