

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71778 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SARMERA District- Nalanda

Niraj Kumar S/O Triloki Yadav R/O Village- Isna Beldariya, P.S- Sarmera,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sarmera
P.S. Case No.88 of 2021 registered for the offence under
Sections 302/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.06.2021.

The allegation against the petitioner is to commit
murder of the brother of the informant alongwith other co-
accused persons by causing firearm injuries, where occurrence
arises out of blockage of drainage.

Learned counsel appearing on behalf of the petitioner
submitted that the informant not appears eye-witness of the
occurrence and it is highly improbable that for such a trivial



issue as raised through the present F.I.R., a person can commit murder, who is otherwise a man of clean antecedent. It is also submitted that allegation of assault is also available against other co-accused persons. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that there is no reason to disbelief the version of informant being eye-witness of the occurrence. It is submitted that allegation to cause fatal firearm injury is specific against petitioner, which further corroborates with the postmortem report. Learned APP further submitted that several other eye-witnesses, during the course of occurrence, stated that death of brother of informant was caused by this petitioner, causing firearm injuries.

In view of the facts and circumstances as mentioned above, and by taking note of the fact as specific allegation of causing fatal firearm injury is available against this petitioner, where there is no apparent reason to disbelieved informant as an eye-witness of the occurrence, this Court is not inclined to grant privilege of bail to the petitioner, at present.



Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

