

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9026 of 2024

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

Shivam Kumar S/O- Ramanuj Singh, R/O- Village- Balahpur, P.S.- Nayagaon,
Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2024 Heard Mr. Binay Kumar, the learned counsel for
the petitioner and Mr. Nitya Nand Tiwary, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
22.01.2022 in connection with Session Trial No. 52 of 2023,
arising out of Nayagaon P.S. Case No. 58 of 2021, FIR dated
06.11.2021, registered for the offences punishable under
Sections 387, 302, 506 and 504 read with Section 34 of the
Indian Penal Code and under Section 27 of Arms Act.

3. Earlier the petitioner has moved before this Court
for grant of regular bail in Cr. Misc. No. 43051 of 2022, which
was rejected vide order dated 05.04.2023. Thereafter, the
petitioner has again moved before this Court for regular bail in
Cr. Misc. No. 75248 of 2023, which was dismissed as



withdrawn vide order dated 10.11.2023 with a liberty to given to the petitioner to move before the appropriate forum.

4. According to the prosecution case, while the informant along with his brothers and family members was on the way to visit their field in Sonapur, six accused persons having weapons in their hands intercepted them and shot Neeraj @ Golu due to which he died on the spot.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence an alleged in the FIR.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that upon perusal of the FIR, it appears that there is direct allegation against the petitioner that he has fired upon the victim due to which the victim died at the spot and apart from that petitioner carries two more criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in the pending matters.

7. Vide order dated 02.02.2024, a report was called for with regard to the stage of trial and the report of the learned trial Court dated 01.03.2024 reveals that out of seven



chargesheeted witnesses, three have been examined.

8. Considering the aforesaid facts and circumstances as well as the report of the learned trial Court, 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 Additional District & Session Judge-II, Begusarai.

9. Prayer is refused.

10. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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