

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21562 of 2024**

Arising Out of PS. Case No.-2 Year-2022 Thana- KORHA District- Katihar

Nitish Kumar @ Nitesh Kumar Son of Ram Prasad Mehta Resident Of  
Village- Bawanganj Banganj, PS- Korha, Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Surya Narayan Poddar, Advocate |
| For the State        | : | Md. Aslam Ansari, APP              |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-04-2024                      Heard Mr. Surya Narayan Poddar, learned counsel  
for the petitioner and Md. Aslam Ansari, learned A.P.P. for the  
State.

2. The petitioner seeks bail in connection with S. Tr.  
No. 303 of 2022 arising out of Korha P.S. Case No. 2 of 2022, FIR  
dated 02.01.2022 for the offences punishable under Sections 302  
and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was  
rejected vide order dated 27.03.2023 in passed in Cr. Misc. No.  
39771 of 2022.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has falsely been implicated in the  
present case. He further submits that the other accused persons  
have been granted bail by this Court so the petitioner may be  
enlarged on bail. The petitioner is rotting in judicial custody since



30.03.2022.

5. Vide order dated 13.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 16.03.2024 reveals that out of seven witnesses, three witnesses have been examined and four prosecution witness is yet to be examined.

6. Learned APP for the State, on the other hand, on the basis of the material available on the record submits that the arm has been recovered from the conscious possession of the petitioner and FSL report of the arms reveals that recovered fire arm, which recovered from the conscious possession of the petitioner, was used in the present occurrence in question.

7. Considering the facts and circumstances of the case as well as the report of the trial Court, I am not inclined to enlarge the petitioner on bail in connection with S. Tr. No. 303 of 2022 arising out of Korha P.S. Case No. 02 of 2022 pending in the Court of learned Additional District & Sessions Judge-V, Katihar.

8. Prayer is refused.

9. 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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