

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30362 of 2024

Arising Out of PS. Case No.-1454 Year-2022 Thana- DANAPUR District- Patna

Nishant Kumar @ Nishant son of Chitranjan Rai @ Mirchand Rai Village-
Chitrakut Nagar Road No-9, Ps- Danapur Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alexander Ashok, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Danapur P.S. Case No. 1454 of 2022, lodged on 14.12.2022
under Sections 302, 120(B), 34 of the Indian Penal Code read
with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against 5 named and other unknown accused persons. The
specific allegation is against two accused persons namely
Himanshu @ Toronto and Nishant Kumar (present petitioner)
that they have fired by pistol due to which two persons were
injured and subsequently died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that from bare perusal of the FIR, it become very much clear that there is no eye-witness of the said occurrence. Counsel submits that the injury report is there and from the injury report, the death has been caused by fire arm, but external injury and internal injury has also been found. Counsel further submits that nothing incriminating has been recovered from the petitioner's possession except his own personal mobile phone. Counsel submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is on bail. The petitioner is in custody since 15.11.2023 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is allegation of firing against the petitioner and other accused person by which two persons was killed. Counsel further submits that the allegation of fire arm injury is upon the petitioner and other accused person whose bail application has been rejected by this Court which is annexed as Annexure-P/2 series.

6. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Danapur P.S. Case No. 1454 of



2022, pending before the learned Additional Chief Judicial
Magistrate-1, Danapur, Patna is **hereby rejected**.

(Dr. Anshuman, J)

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