

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33814 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

Niraj Kumar, Son of Dinesh Prasad Singh Village- Rupwara, P.S. Hiramma,
District- Sheohar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Jitendra Narain Sinha, Advocate
For the Informant : Mr. Ravi Ranjan, Advocate
Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-08-2024 Heard Mr. Krishna Prasad Singh, learned senior
counsel assisted by Mr. Jitendra Narain Sinha for the petitioner,
Mr. Ravi Ranjan and Mr. Devendra Kumar, learned Advocates
for the informant and Dr. Kumar Uday Pratap, learned APP for
the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The petitioner is said to have shot dead the
father of the informant.

4. It is submitted by learned senior counsel for the
petitioner that no such occurrence as alleged ever took place.
He is quite innocent and has been falsely implicated in this case
due to dirty village politics. It is further submitted that the



petitioner has not participated in the alleged crime because in the investigation it has come that at the relevant time the tower location of mobile of the petitioner was found in Sitamarhi, besides, the petitioner was captured in CCTV footage fixed on road as well as on shops in Sitamarhi and this fact has also come during the investigation. It is further submitted that the panchayat election was fought by the petitioner, the deceased and his wife along with other candidates in which the petitioner declared as successful candidate and this is the prime reason for falsely implicating the petitioner. It is further submitted that one Pankaj Paswan, who is a witness in this case, has said in his statement that the person who fired upon the father of the informant had wrapped a muffler around his face meaning thereby he tried to hide his identity and in this view of the matter the identification of any person is doubtful but admittedly the said Pankaj Paswan is yes-man of the informant and he has named the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 12.02.2024.

5. Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that the petitioner has shot dead the father of the



informant and witnesses have supported the prosecution case. Learned counsel for the informant further submitted that the doctor, who conducted the autopsy of the cadaver, has reported the cause of death as due to shot in forehead and the empty cartridge was also recovered from the place of occurrence. It is further submitted by learned counsel for the informant that some witnesses have also supported the prosecution case.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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