

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31987 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- CHAUSA District- Madhepura

NIRAJ SAH @ AYUSH KUMAR @ NIRAJ KUMAR SAH S/O YOGI SAH
@ JOGI SAH R/O VILLAGE- KALASAN, P.S- CHAUSA, DISTT.-
MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34847 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- CHAUSA District- Madhepura

Jitendra Sah @ Jitendra Kumar Sah Son of Yogi Sah @ Jogi Sah R/o village -
Kalasan, P.S.- Chausa, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31987 of 2024)

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr.Pawan Kumar
For the Opposite Party/s : Mr. J.N.Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 34847 of 2024)

For the Petitioner/s : Mr.Pawan Kumar
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 21-08-2024 Heard the learned senior counsel for the petitioners
and learned APP for the State.

2. These are applications for regular bail on behalf
of the petitioners for the offences alleged under Sections 302
and 307/34 of the Indian Penal Code and Section 27 of the Arms



Act, registered in connection with Chausa P.S.Case No. 312 of 2023.

3. As per allegation, the informant was returning after purchasing vegetables from the market with his brother Pappu Kumar Yadav (the deceased). As soon as they reached near Kalasan Bazar, all of a sudden, the petitioners and co-accused Anshu Kumar, Jogi Sah, Pankaj Sah, Abhishek Dutt, Abhijeet Singh came there with pistols etc. As per the allegation, the petitioners fired at Pappu Kumar Yadav and thereafter the petitioner Jitendra Sah also fired at him which hit the temporal region of the deceased. Co-accused Jogi Sah fired at Aditya @ Babloo Kumar, who suffered injuries in his chest. Co-accused Pankaj also fired at Aditya @ Babloo Kumar and co-accused Anshu Kumar fired at Aditya Kumar @ Babloo in his arm. Pappu Kumar Yadav died at the spot.

4. The learned counsel for the petitioners has submitted that that the post mortem report of Pappu Kumar Yadav does not corroborate the recitals of the FIR, as only one fire-arm injury was found on his person.

5. On the other hand, the learned APP for the State has opposed the prayer for bail by submitting that there is allegation against the petitioners that they both fired at the deceased and



after sustaining injuries, the deceased died at the spot. One person namely Aditya @ Babloo also suffered fire-arm injury, but that attributed to other co-accused persons. The learned APP has also submitted that both the petitioners are the persons of criminal antecedents as mentioned in para-3 of the bail applications. He has next submitted that the witnesses have supported the prosecution case.

6. There is allegation on both the petitioners that they fired, targeting the deceased. He suffered fire-arm injuries, though it is true that he suffered only one injury i.e. entry and exit wound, but the allegation is against both the petitioners that they have fired.

7. Considering the above mentioned facts and circumstances as well as the criminal history of the petitioners, I am not inclined to grant the petitioners of the both the application the privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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