

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39645 of 2024

Arising Out of PS. Case No.-425 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Nitish Kumar @ Bhima Singh @ Bhima Son Of Late Shankar Singh Village-
And Ps- Nayagaon, Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Sessions Trial No. 879 of 2023 arising out of Begusarai
Town P.S. Case No. 425 of 2022 instituted for the offence
under Sections 302/34 of the IPC and Section 27 of the
Arms Act.

3. According to the FIR, allegation against the
petitioner is that he caught hold the husband of the informant
and fired by his pistol due to which informant's husband
sustained gun shot injury and succumbed to injury during
treatment.

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



falsely been implicated in this case. It is further submitted vide para 10 of the petition that though the occurrence took place on 16.7.2022, the information about the alleged incident was given to the police on 17.7.2022. There is no explanation for this delay in lodging the FIR. The petitioner is languishing in judicial custody since 12.7.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who has specifically been alleged to fire upon head of the informant's husband due to which he sustained gunshot injury and died during treatment. Postmortem report corroborates the prosecution case in which doctor opined the cause of death is due to Hemorrhagic and Neurogenic Shock caused by projectile firearms. It is further submitted that the witnesses of the case have supported the prosecution.

6. Having heard the learned counsel for the parties and considering the specific allegation of firing against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial



and conclude the same within a period of six months, failing
which, the petitioner may renew his prayer of bail.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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