

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52344 of 2024

Arising Out of PS. Case No.-1014 Year-2023 Thana- NAGAR District- Vaishali

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TEJ PRATAP @ HONEY @ TEJ PRATAP SINGH SON OF KAUSHAL
KISHORE SINGH RESIDENT OF VILLAGE - KANAULI, DHANRAJ,
P.S.- MAHUA, DISTRICT- VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rajnish Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Ram Sumiran Rai, APP
For the Informant	Mr. Ansul, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 28-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 1014 of 2023 registered for the
offence punishable under Sections-307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case in short is that, on 15.12.2023
at about 7:30 P.M. while the informant's husband was parking
his Scooty inside the gate of his house, his nephew Nilesh
Kumar along with this petitioner and one unknown persons
came there and infurtherance thereof co-accused Nilesh Kumar
fired upon him which hit in the waist of informant's husband.



Later on, all the three accused persons fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has been implicated in this case. His further submission is that the statement of brother of the deceased shows that the deceased had dispute with Dinesh Khandelwal, Rahul Khandelwal and Pradeep Khandelwal and the petitioner has no motive at all.

5. On the other hand, the learned counsel for the informant as well as learned APP for the State has opposed the prayer for bail by submitting that wife of the deceased is the eye-witness to the occurrence. She specially mentioned in the fardbeyan that when her husband was parking his Scooty, co-accused Nilesh Kumar fired at her husband and the petitioner was also present there. In the post-mortem report, fire-arm injury was found on the person of the informant's husband which was grievous in nature and as per Section 34 of the IPC, the liability of the petitioner is the same as is with the main assailant.

6. It appears that the wife of the deceased has specially named this petitioner in the FIR and the other witnesses in the case diary have also named this petitioner and other co-accused persons.



7. Considering the aforesaid facts and circumstances, presently, I am not inclined to enlarge bail to the petitioner and accordingly, prayer for bail of the petitioner is *rejected*.

(Nawneet Kumar Pandey, J)

Nirmal/AKV

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