

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82441 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- BENIPATTI District- Madhubani

Anil Nayak S/O- Mahavir Nayak Village- Ladaut Ps- Benipatti Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Benipatti P.S. Case No. 63 of 2023, lodged on 26.03.2023 under Sections 302, 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 2 named accused persons including the present petitioner against whom there is an allegation that they went in the orchard and when the informant's brother reached there to drink *tari* and upon the order of the co-accused, the petitioner fired on the informant's brother due to which he sustained injury



and later on, the informant's brother died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him which is of excise matter in which he is on bail. The petitioner is in custody since 14.07.2023 in the present case. Counsel submits that charge-sheet has already been filed in this case.

5. Learned counsel for the petitioner submits that from the minute reading of the FIR, there is no eye witness of this occurrence and the cause of dispute is already mentioned that in the orchard, the deceased and accused both went to drink *tari*.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is an allegation of gun shot on the body of the deceased. Counsel also submits that case diary as well as post-mortem report has been called for *vide* order dated 20.12.2023 by which it transpires that the death was caused due to fire arm injury from a distant range.

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

8. Accordingly, the prayer for regular bail of the



petitioner in connection with Benipatti P.S. Case No. 63 of
2023, pending before the learned Additional Sessions Judge-III,
Madhubani is **hereby rejected**.

(Dr. Anshuman, J.)

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