

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83354 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Nitish Kumar Son of Nandu Yadav @ Nand Kishor Yadav Resident of
village-Gyantol, Ward no-12, P.S- Sahebpurkamal, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-12-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail
apprehending his arrest in connection with Sahebpur Kamal P.S.
Case no.206 of 2024 registered for the offence punishable under
sections 109, 115(2), 117(2), 118(2), 126(2), 351(2) of the
Bharatiya Nyaya Sanhita and section 27 of the Arms Act.

3. As per the prosecution case, over a dispute
between the parties, it is stated that the petitioner and one
another fired 2-4 rounds from a pistol on the informant. The
informant sustained injury in his right leg. On others coming to
the informant's rescue, it is stated that the petitioner and the
other accused once again resorted to firing as a result of which
nephew of the informant namely Sawan Kumar also sustained



gunshot injury in his chest.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case for the reason that the parties happen to be *gotias* and there is land dispute between them. It is further submitted that there is no specific allegation against this petitioner, the allegations being general and omnibus in nature. No independent witness has supported the prosecution case and as per instructions received, the informant has not even received a bullet injury. Further referring to the injury report (Annexure-2) of the informant's nephew, it is submitted that besides the injuries having been found to be simple in nature the doctor is not even sure that it is a firearm injury and has used the term "probable firearm injury" to describe the same. An injured would not have a pulse rate of 94 per minute after having sustained a gunshot injury. The petitioner has no criminal antecedent and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR of the petitioner along with one another having resorted



to indiscriminate firing on the informant and his nephew together with the contents of the injury report of the nephew of the informant and the allegations having been supported by the witnesses in course of investigation as is borne out from the order of the learned trial Court, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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