

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3941 of 2024

Arising Out of PS. Case No.-376 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

Nawal Kishore @ Nawal Kishore Kumar @ Nawal Kumar son of Vishwanath Prasad @ Vishwanath Bhagat Village- Mustafa Ganj Ps- Minapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 24-04-2024 Heard learned counsel for the petitioner and learned APP for the State, perused the case diary as also the report.

2. The petitioner seeks bail in connection with Ahiyapur PS Case No. 376 of 2023 instituted for the offences under Sections 341, 323, 324, 307, 504, 379, 354B, 349 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in brief, is that informant was accosted with two accused persons while he was returning from his maternal uncle's house and on the point of pistol accused persons took away Rs. 11,500/- and a mobile phone from the informant. It is further alleged that one of the co-accused has fired upon the informant which hit on his arm. After receiving injury, informant started running, but accused persons again



fired upon him. It is also alleged that accused-petitioner was frequent visitor at his house and he has demanded sexual favour from the wife of the informant and threatened to face dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner further submits that there is no eye witness to the occurrence. It is submitted that injury is opined to be simple in nature. Petitioner is in custody since 16-09-2023 having no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is repetition of fire arm injury. There is direct allegation levelled against the petitioner.

6. A report was called for from the Trial Court. It has been reported that six charge sheet witnesses are to be examined and trial is likely to be concluded within a period of nine months.

7. Considering the aforesaid facts and circumstances of the case and there being direct allegation against the petitioner, I am not inclined to grant bail to the petitioner. The



prayer is **rejected**. The Trial Court is directed to take all necessary steps to conclude the trial at earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

8. The District Magistrate, Muzaffarpur and the Senior Superintendent of Police, Muzaffarpur are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

9. Let this order be communicated to the District Magistrate, Muzaffarpur and the Senior Superintendent of Police, Muzaffarpur.

(Rudra Prakash Mishra, J)

Raj kishore/-

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