

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5361 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- MURLIGANJ District- Madhepura

Nishtu Kumar @ Boua Yadav S/O- Anil Yadav Village- P)okhram W.No-3,
Ps- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Murliganj P.S. case No. 167 of 2023 instituted for the offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that the accused persons, including the petitioner came to the shop of the informant and demanded some articles from the grandson of the informant. It is further alleged that on the order of co-accused



Himanshu Kumar, this petitioner fired on the informant's grandson, leading to his death.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act. The co-accused person has already been granted bail by this Court vide order dated 07.12.2023 passed in Cr. Misc. No. 78586 of 2023. Learned counsel further submitted that petitioner has three criminal antecedents out of which he is on bail in two cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation of firing attributed to this petitioner leading to the death of the informant's grandson. Learned APP for the State, therefore, urges that this petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation against the petitioner, nature and gravity of offence, this court is not inclined to grant bail to the petitioner.

7. Prayer is rejected.



8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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