

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1807 of 2025

Arising Out of PS. Case No.-440 Year-2024 Thana- RAFIGANJ District- Aurangabad

Niraj Kumar Yadav @ Niraj Kumar Son of Suresh Yadav resident of Village-
Labhri PS- Rafiganj District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate Mr. Saket Kr. Singh, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rafiganj P.S Case no.440 of 2024 registered under sections 109, 61, 126(2), 115(2), 118(2), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and sections 27 and 30 of the Arms Act.

3. As per the prosecution case, the informant states that as a result of firing resorted to by the petitioner herein, his son sustained firearm injury on his shoulder.

4. Learned Senior counsel appearing for the petitioner submits that the parties are agnates and the petitioner has been falsely implicated in the case because of pending dispute. The manner of occurrence is other than what has been narrated in the FIR. Referring to the injury report (Annexure-2) as also the



forensic report (Annexure-3), it is submitted that the same do not support the prosecution case, in so far as there is no specific finding of there being firearm injury. The petitioner is in custody since 1.10.2024 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State, who submits that in course of investigation the injured in paragraph no.57 of the case diary has made specific allegation of the petitioner having fired upon him and further referring to the order of the learned trial Court, it is submitted that the report of the Forensic Science Laboratory mentions about firearm injury.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the petitioner having been said to have resorted to firing on the son of the informant and the same having been supported by the injured in his statement in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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