

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59308 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Kirtan Pathak son of Parshuram Pathak Village- Ijari Sriram, P.S. Buxar
Muffasil, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Ms. Dimpal Kumari, Advocate

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

ORAL ORDER

7 14-02-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Buxar
(Muffasil) P.S. Case No. 193 of 2023, instituted for the offences
punishable under Sections 302, 307, 504, 506, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the informant
along with his nephews was going to police station to lodge a
complaint, in the meantime, the accused persons surrounded
them and fired due to which, his nephew received injury and
later succumbed to the injury.



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. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. There is subsisting land dispute between the parties. There is case and counter case between the parties. The petitioner is in custody since 02.02.2024 and has got six criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 03.04.2024 passed in Cr. Misc. No. 76359 of 2023.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that specific allegation of firing upon nephew of the informant is against the petitioner. Postmortem report of the deceased corroborates with the allegation made in the FIR. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected at this stage. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

