

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64816 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MADHEPUR District- Madhubani

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Sohan Kumar Nayak S/o Late Shiv Narayan Nayak @ Shivam Nayak
Resident of village - Sanghat Chowk Madhepur, P.s. -Madhepur, District –
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhepur P.S. Case No. 26 of 2023, S.T. No. 80/2024 registered
for the offences punishable under Sections 143, 341, 323, 353,
307, 120(B), 504, 506 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per prosecution case, petitioner is said to have
fired from his country made pistol upon Chowkidar Hira Khan
which hit on the chest as a result of which he sustained injury
and fell down on the ground.

4. Learned counsel for the petitioner submits that
earlier bail prayer of the petitioner has already been rejected on



merit by this Court vide order dated 12.02.2024 passed in Cr. Misc. No. 56366 of 2023. He further submits that the Trial Court report indicates that no prosecution witness has been examined up till now. He further submits that the delay of trial is not attributable to the petitioner as he is in custody since 08.02.2023 and he bears no criminal antecedent. He further submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that there is enmity between both the parties since long due to common passage and petitioner has been falsely implicated in this case.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that there is specific allegation of firing against the petitioner and the same is corroborated by the injury report of victim. He further submits that the bail prayer of the petitioner has already been rejected by this Court on merit. Hence, he does not deserve bail.

6. A report regarding state of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 628/2024 dated 18.12.2024 has sent its report which reveals that no prosecution witness has been examined.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with injury report as well as material available on record, I am not



inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the learned trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

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