

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65622 of 2024

Arising Out of PS. Case No.-408 Year-2023 Thana- BIHPUR District- Bhagalpur

Nirmal Kumar @ Sahil Kumar, aged about 24 years, (Male), Son of Binod Sharma, Resident of Village- Bhojutol, P.S.- Bhawanipur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Opposite Party : Mr. Dr.Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihpur (Bhawnipur) P.S. Case No. 408 of 2023 dated 02.07.2023 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 01.07.2023 at about 8.00 P.M., the petitioner is alleged to have shot the husband of the informant dead under conspiracy with the co-accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The informant is not an eye witness to the alleged



offence, as such, she has falsely implicated the petitioner in the present case only on the basis of suspicion and hearsay statement of Mantu Sharma and Shankar Sharma. The petitioner has no concern with the alleged offence. Learned counsel for the petitioner has further referred paragraph no. 84 of the case diary, in which it has been mentioned that there is previous enmity between the petitioner and the deceased, hence, the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from his possession. The petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 11.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that there is specific allegation against the petitioner that he fired on the husband of the informant, as a result of which, he died. As per the postmortem report, the cause of death is Haemorrhage and shock due to firearm wound.

6. Considering the aforesaid facts and circumstances of the case as well as specific and heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the



petitioner and the same is rejected in connection with Bihpur (Bhawnipur) P.S. Case No. 408 of 2023, pending in the court of learned A.C.J.M.-IIIrd, Naugachia, Bhagalpur.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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