

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80551 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- NADI P.S. District- Patna

Dheeraj Kumar S/o- Sri Gopal Prasad R/o Village- Jethuli, P.S. Nadi Fatuha,
Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP
For the Informant : Mr. Vijay Anand, Advocate

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

ORAL ORDER

4 31-01-2025 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 Nadi
(Fatuha) P.S. Case No. 80 of 2024, instituted for the offences
punishable under Sections 147, 148, 149, 302, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons have fired upon the brother
of the informant leading to his death.

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. The petitioner is named in the FIR. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. It is alleged that the petitioner was a member of the mob. It is next submitted that the petitioner is distant *gotia* of the informant. The petitioner is in custody since 30.04.2024 and has got six criminal antecedents in which he is on bail in all the cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 65687 of 2024.

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 the petitioner is named in the FIR. The informant and witnesses in their statement recorded under Section 161 Cr.P.C. have fully supported the prosecution case. It is further submitted that on perusal of the postmortem report, it appears that, cause of death mentioned as hemorrhage and shock due to fire arm injury. There is specific allegation against this petitioner of firing upon the deceased. 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. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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