

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87300 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- BAKHTIYARPUR District- Patna

Niraj Kumar @ Vivek Kumar Son of Gauri Rai Village -Naya tola Bariyarpur
PS -Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Kumar Sinha
For the State	:	Mr. Nawal Kishore Prasad
For the informant	:	Mr. Harsh Kjmar Singh
		Mr. Satyendra prasad Singh
		Ms. Miru Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 14-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Bakhtiyarpur Police Station Case No. 339 of 2024, dated 13.06.2024, registered for the offence 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, as per the First Information Report, is that on 12.06.2024, at 04:15 PM, the informant saw that co-accused persons, namely, Biru Rai and Pankaj Kumar, were abusing the son of the informant near the house of co-accused Gauri Rai and the petitioner and his brother



were holding the hand of the informant's son. When the informant ran to save his son, co-accused Gauri Rai fired upon the chest of the son of the informant, due to which he subsequently died.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation of firing is upon co-accused Gauri Rai and the allegation against the petitioner is only of holding the hand of the deceased. He further submits that the occurrence took place on 12.06.2024 at about 04:15 PM, inquest of the dead body of the deceased was conducted by the police on 12.06.2024 at 05:30 PM, the witness to the inquest report were the two other own brothers of the informant, the post mortem examination of the dead body of the deceased was conducted on 13.06.2024 at 12:30 AM and thereafter, the present First Information Report was registered on 13.06.2024 at 01:20 AM, which casts serious doubt over the prosecution story inasmuch as the First Information Report was registered after inquest report and post mortem examination of the dead body of the son of the informant. He next submits that petitioner



is in custody since 26.07.2024 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that there is direct allegation against the petitioner of holding the hand of the deceased and the regular bail application of co-accused Pankaj Kumar has been rejected by this Court vide order, dated 17.01.2025, passed in Criminal Misc. No. 70347 of 2024.
6. In reply, learned Counsel for the petitioner submits that the above points were not taken in the bail application of co-accused Pankaj Kumar and the prayer for regular bail of co-accused Pankaj Kumar was rejected mainly on the ground that he is having five criminal antecedents.
7. Regards being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that First Information Report was registered after inquest report and post mortem examination report, the petitioner is in custody since 26.07.2024, charge-sheet has already been submitted, the



prayer for bail of co-accused Pankaj Kumar was rejected on the ground that he is having five criminal antecedents and the petitioner has got no criminal antecedent, I am inclined to grant regular bail to the petitioner.

- 8. This application is, accordingly, allowed.
- 9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Barh, in connection with Bakhtiyarpur Police Station Case No. 339 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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