

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85789 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Niraj Kumar Chaudhary S/o Ashok Chaudhary RO Keshopur Bakari, PS-
Udawanat Nagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Upadhyay, Adv.
For the Informant/s : Mr. Jai Shankar Pal, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner; learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the informant alleged that while he was sitting with his son, Pintu Kumar, one Santosh Kumar Yadav came and took his son along stating that Neeraj Kumar Chaudhary with whom he had land agreement has called him. Further, allegation is that Ashok Kumar followed them at the orchard where a party was arranged and it is alleged that in the night, there was argument between Neeraj



Chaudhary and his maternal brother and he demanded from his son Rs. 36,00,000/- as part of the land payments and it is alleged that thereafter on the command of Neeraj's maternal brother, Neeraj Chaudhary opened fire. Ashok Kumar managed to escape but Pintu Kumar succumbed to the injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that in this case, the allegation is against Santosh that he has called the deceased for a party. He also submits that in this case, there is no eye witness, only one Ashok is said to be the eye witness but he is also not the eye witness rather he has projected himself as an eye witness and according to the FIR and Ashok, it is alleged that the petitioner opened fire at deceased due to which he succumbed to the injuries. It is further submitted that the petitioner is languishing in judicial custody since 18.06.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that from perusal of the FIR, it transpire that there is direct allegation against the petitioner of firing/killing the informant's son Pintu Kumar and in the FIR, it is stated that Ashok Kumar was also following Pintu and that he



has seen the occurrence. In this case, Ashok Kumar has given his statement and has categorically stated that this petitioner has fired/killed the son of the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner on bail at this stage, as such, the present bail application stands rejected.

7. However the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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