

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89471 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- SALIMPUR District- Patna

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Jitendra Kumar S/o Sabal Singh R/o Village- Manjhauli Bigha, P.S.-
Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

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

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Salimpur P.S. Case No. 190 of 2024 instituted for the offences
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per prosecution case, the accusation against he
petitioner is of firing upon the deceased due to which she died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to enmity from his uncle Nawal Singh. The petitioner is not
named in the F.I.R. as the same has been instituted against



unknown. The name of the petitioner has transpired in this case on the basis of the disclosures made by the witness Lakshmi Devi and Naval Kishore Singh. The petitioner is the brother of the Informant but, she has not taken the name of the petitioner. There is no evidence against the petitioner which connects the petitioner with the alleged occurrence. The petitioner is the brother of the Informant. The petitioner has no concern with the alleged occurrence. There is even no motive or intention of the petitioner behind the alleged occurrence. He further submits that the postmortem report does not support the prosecution case. The petitioner has one criminal antecedent as has been stated in Para-3 of the supplementary affidavit and is languishing in judicial custody since 28.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct allegation of firing against the petitioner. In Para 10 & 16 of the case diary, the witnesses Lakshmi Devi and Naval Singh who are alleged to be the eye-witnesses to the alleged occurrence, have supported the prosecution case. The police has recovered the empty bullet shell from the place of occurrence. The postmortem report supports the prosecution case. Charge-sheet has been submitted



in this case.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being direct allegation of firing against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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