

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4390 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Niraj Kumar Son of Dayanand Mandal Resident of Vill- Laxmipur (Pakra),
P.S.- Naugachia, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. N.N. Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 268 of 2024 instituted for the offences under Sections 190, 191(3), 126(2), 103(1), 109(1) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of being involved in committing murder of the deceased by firing.

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. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Sachin Kumar recorded before the police



which has no evidentiary value in the eye of law. Except confessional statement of the co-accused Sachin Kumar, there is nothing adverse against the petitioner showing complicity of the petitioner in the alleged offence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature rather the specific allegation of firing is against the co-accused Ramesh Mandal and Rajesh Kumar Mandal. It is alleged that co-accused Ramesh Mandal fired upon the deceased Toksan Kumar whereas the co-accused Ramesh Mandal fired upon the Informant. There is no eye-witness to the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sachin Kumar @ Murga has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.03.2025 passed in Cr. Misc. No. 10815 of 2025.

6. 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 the name of the petitioner has transpired in this case on the basis of the CCTV footage of the place of occurrence. The co-accused Sachin Kumar, in his confessional statement,



has taken the name of the petitioner of being involved in the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 312, 103(2)(1), 3(5) of the B.N.S. and Section 27 of the Arms Act against the petitioner.

7. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case as also the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. 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 preferably within a period of six months from today. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

