

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19635 of 2016**

Arising Out of PS.Case No. -278 Year- 2015 Thana -RAHUI District- NALANDA  
(BIHARSHARIFF)

===== Mukesh Yadav, son of Rajendra Yadav, Resident of village - Mandilpur,  
Police Station - Rahui, District – Nalanda.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

===== **Appearance :**

For the Petitioner/s : Mr. Ajay Mukherjee,  
For the Informant : Mr. Pramod Kumar Sinha,  
For the Opposite Party/s : Mr. Surendra Kumar(App)

===== **CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

2      10-05-2016      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is an accused in connection with Rahui P.S. Case No. 278 of 2015, registered under Sections 147, 148, 149, 341 and 302 of Indian Penal Code and Section 27 of the Arms Act, pending in the Court of Chief Judicial Magistrate, Nalanda at Biharsharif.

The accusation is that 17 persons named in the F.I.R. including the petitioner surrounded to informant Tula Yadav and his two brothers, namely, Harideo Yadav (deceased) and Jagdish Yadav at Rahui Bus Stand, the informant tried to flee away from there, but the accused named in the F.I.R. chased to them and petitioner Mukesh Yadav shot fire at his brother Hardeo Yadav, who died on the spot.

Learned counsel appearing on behalf of the petitioner

submits that there is old enmity between the petitioner and informant. The petitioner has falsely been implicated in this case. Further submission is that statement of wife of deceased has been recorded under Section 161 of Cr.P.C. as detailed in para-61 of the case diary, in which she has stated the name of the petitioner and others to surround her husband, but she has stated that shot was not fired by this petitioner rather it was fired by others.

Learned counsel for the State vehemently opposed the prayer of the petitioner and submits that the statement of the wife of the deceased was recorded after seven days of the occurrence and according to F.I.R. she is not eye-witness.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected.

**(Rajendra Kumar Mishra, J)**

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