

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39679 of 2018

Arising Out of PS.Case No. -383 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Rakesh Kumar, son of Subhash Kumar Yadav, resident of Village-
Hakimganj, Khagaur, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate with
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Lakhisarai P.S.**

Case No.383 of 2017 instituted for the offence under Section(s)
302, 120-B/34 Indian Penal Code and Section 27 of the Arms Act
pending in the Court of the **Chief Judicial Magistrate,**
Lakhisarai.

It is alleged in the written report that while the
informant's father was coming on motorcycle and reached near
Vishunpur Bridge, this petitioner along with co-accused, Jitendra
Yadav, and other accused, as mentioned in the written report,
stopped his father and told him that you were insisting to
withdraw the case. Thereafter, petitioner along with Jitendra
Yadav caused fire arm injury to the father of the informant in



temple. It is alleged that, in the meantime, cousin brother of the informant, Vikash Kumar, was going on motorcycle towards Vishunpur Bridge and he saw father of the informant was talking with some persons. He stopped his bike. He saw that the petitioner and Jitendra Yadav caused fire arm injury to the father of the informant by close range and he fell down on the spot. Cousin brother of the informant, Vikash Kumar, identified the assailant in the light of motorcycle. It is further alleged that Vikash Kumar, went near the deceased, who breathed his last by speaking that this petitioner along with three others had shot him.

Case diary has been received. Learned APP has submitted that in the postmortem report four fire arm injuries were found on the person of the deceased and cause of death was due to fire arm.

Statement of Vikash Kumar, cousin brother of the informant, is available in para 21 of the case diary, wherein, he has taken the name of the petitioner.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner is directed surrender before the Court



below and seek regular bail, which will be considered and disposed off by the court below in accordance with law on the basis of the materials available in the case diary without being prejudiced by this order.

(Sanjay Priya, J)

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