

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43609 of 2019

Arising Out of PS. Case No.-123 Year-2017 Thana- SURYAGARHA District- Lakhisarai

Rahul Kumar, Son of Punit Yadav, Resident of Village - Nista, P.O. and P.S.-
Suryagarha, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad

For the Opposite Party/s : Mr.Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Suryagarha P.S. Case No. 123 of 2017, registered under Sections 147, 148, 149, 447, 323, 324, 307 and 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Chief Judicial Magistrate, Lakhisarai.

The accusation is that in the evening of 06.06.2017, informant Subodh Yadav along with his brother Nandan Yadav, Bikash Kumar and Dularchand Kumar were sitting at their door. At that time, 12 persons named in the F.I.R. including the petitioner having illegal firearms came there and under conspiracy they started to make indiscriminate firing. At that



time, firing of Rahul Kumar (petitioner), bullet passed near the temporal region of the informant. In the meantime, Janardan Yadav asked to kill Salo Devi, sister-in-law of the informant then Lalan Kumar fired through rifle causing injury at the chest of Salo Devi, who fell down. Thereafter, Mukesh Yadav, Rambalak Yadav and Krishnandan Yadav started firing towards Dularchand Kumar, who started to flee away but he fell down and sustained fracture injury at his leg and also injury at his head. While Salo Devi, sister-in-law of the informant, was rushed to Primary Health Centre, Suryagarha, where the doctor declared her dead.

Learned counsel for the petitioner submits that on investigation, while the police submitted charge sheet against Krishnandan Yadav, Ranveer Yadav and Mukesh Yadav under Sections 147, 148, 149, 323, 337, 447, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act showing the investigation continue against Lalan Kumar, Chout Kumar, Krishnandan Yadav, Rambalak Yadav, Jandardan Yadav, Ranjeet Kumar, Rajesh Kumr, Shambhy Yadav, Ritesh Kumar and Deepak Kuamr but submitted the final form against the petitioner but the learned Chief Judicial Magistrate, Lakhisarai, differing with the final form took cognizance against the



petitioner also. Later on, police submitted the fresh charge sheet only for the offence under Sections 147, 148, 149, 327 and 338 of the Indian Penal Code.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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