

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12074 of 2021

Arising Out of PS. Case No.-883 Year-2013 Thana- SITAMARHI District- Sitamarhi

RAKESH RAI @ RAKESH KUMAR S/o Suresh Ray R/o Mohalla R.D.
Palace, Ward No.18, Indira Nagar, P.S. and Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Sharma Sr. Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Sitamarhi P.S. Case No.
883 of 2013, registered for the offence punishable under
Sections 307, 387/34 of the Indian Penal Code.

As per the prosecution case, informant proceeded
from his clinic to his home on his four-wheeler and while he
was crossing Kiran Chowk, two bike borne miscreants opened
fire. Earlier also there was firing at him. The miscreants were
demanding ransom of Rs. 10 lacs and he was unable to pay.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case only because
of his criminal antecedent. Petitioner is not the holder of alleged



mobile number 8873907308 through which ransom was demanded. Informant does not claim to have identified the petitioner. No case under Section 307/387 of IPC is made out against the petitioner. From perusal of FIR itself, it appears that neither firearm injury has been caused nor money has been given. Petitioner has been remanded in this case and he is in custody since 24.10.2019.

Learned APP however, vehemently opposed the prayer for bail and submitted that during course of investigation several eye witnesses have supported the prosecution case and in para 66 of the case diary one of the eye witnesses Dashrath Majhi has supported the prosecution case.

Considering the facts aforesaid and the nature of and gravity of offence and the fact that during course of investigation many witnesses have supported the prosecution case, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, petitioner is in custody since 24.10.2019, trial court is directed to expedite the trial.

(Prabhat Kumar Singh, J)

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