

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15524 of 2021

Arising Out of PS. Case No.-1001 Year-2015 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 District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 307, 387/34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 27.12.2015 unknown miscreants riding on bikes, covering their faces, came and made indiscriminate firing as a result of which glass of the nursing home was damaged. It is further alleged that one month prior to this incident this petitioner had demanded extortion from her husband and also threatened her husband that if the demand is not fulfilled her husband would be killed and repeated calls were received on informant's mobile from this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case because of his earlier criminal antecedents and no one has seen the



petitioner at the place of occurrence. The petitioner has been made accused in this case only on suspicion. It is further submitted that mobile No. referred in the FIR does not belong to the petitioner. Petitioner is in custody since 02.06.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that during the course of investigation one Muskan mobile repairing shop was raided from which various photo copies of I-card and valid I- card of Lochan Thakur were found and the owner of shop disclosed that he used to sell SIM on forged and fabricated I-cards. The petitioner is involved in half dozen cases and most of the cases are u/s 385, 387, 374A, 365 of the IPC and u/s 27 of Arms Act, which reflects that petitioner is a habitual offender and has history of demanding extortion money from doctors, businessman and other well to do families.

Considering the nature of allegation and gravity of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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