

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24045 of 2021

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAKESH YADAV @ RAKESH RAY SON OF MUSAFIR RAY R/O
VILLAGE- KARAMAWA JAISINGHPUR, P.S.-TURKAULIYA,
DISTRICT- EAST CHAMPARAN, MOTIHARI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Turkauliya Police Station Case No. 578 of 2019,
disclosing offences under Sections 147/148/149/341/302 of the
Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of anticipatory bail. Earlier, the prayer for anticipatory
bail of the petitioner was rejected by this Court, vide order,
dated 11.12.2020, passed in Criminal Misc. No. 28942 of 2020.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner, along with others,
entered into the house of the informant in the night and the



petitioner fired upon the father of the informant, leading to his death.

Learned Counsel for the petitioner submits that co-accused Naresh Rai has been granted anticipatory bail by co-ordinate Bench of this Court, vide order, dated 25.08.2020, passed in Criminal Misc. No. 11724 of 2020. Accordingly, he submits that the petitioner may also be released on anticipatory bail.

This Court, while rejecting the anticipatory bail application of the petitioner earlier, had taken into consideration the facts and materials available on record that the petitioner is named in the First Information Report and there is direct allegation of firing against him.

In view of the nature of allegation and the fact that the petitioner is the main assailant, this Court is not inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this second anticipatory bail application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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