

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22622 of 2020

Arising Out of PS. Case No.-862 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAKESH YADAV @ RAKESH KUMAR Son of Nawal Rai R/O Village -
Majuraha, P.S. - Turkaulia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Iftekhar Mohmood, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 03-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short is that when the informant with his family members were participating the feast party at the house of his family member, in the meantime, he heard sound shouting that a boy has received firearm injury. He ran for seeing then he saw that his son is in injured condition. The informant brought the injured to Rahmaniya Medical Centre Hospital for treatment where the doctor declared him dead. The informant said that he is not knowing about the person who fired on his son.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that informant has not seen the person who got his son injured by firearm. He submits that Section 83 of the Cr.P.C. has not been mentioned in the order sheet of the learned court below. He submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application.

Learned counsel for the State submits that the processes under Section 82 of the Cr.P.C. has been issued. He further submits that in spite of opportunity given to the learned counsel for the petitioner, he failed to produce the order-sheet of the learned court below upto now. Hence, the petitioner does not deserve bail.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his payer for anticipatory bail is rejected in connection with Turkauliya (Raghunathpur) P.S. Case No. 862 of 2019 from the court of the learned C.J.M., East Champaran at Motihari.

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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