

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1487 of 2021

Arising Out of PS. Case No.-216 Year-2017 Thana- BAKHTIYARPUR District- Patna

AKHILASH RAI SON OF SHRI DEVI RAI R/O VILLAGE- CHIRAIYA,
P.S.- BAKHTIYARPUR, DISTIRCT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-06-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 452 and 302
of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the FIR that Manjay Rai came at the
place of occurrence and ordered to kill the son of the informant.
Thereafter, Pintu Rai caught the informant's son and petitioner
shot fire from his pistol upon the head of the deceased. It is also
alleged that all accused persons restrained all the persons to
reach at the spot and after sometime they fled away.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He submits that there is case and counter case between the
parties. He submits that during the course of investigation, it has



been found by the I.O. that Dukhan Rai made firing which hit on the head of deceased. The allegation of firing by the petitioner is falsified from Bakhtiyarpur P.S. case No. 220 of 2017, in which it is clearly stated by the injured Ashok Rai that on the order of Lal Mohan Rai, one Dukhan Rai made indiscriminate firing resulting Jay Kumar Rai got bullet injury on his head. He further submits that petitioner is languishing in judicial custody since 27.06.2020.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that petitioner is the main assailant, I am not inclined to enlarge the petitioner on bail at present. Accordingly, the prayer for bail of the petitioner is rejected in connection with Bakhtiyarpur P.S. Case No. 216 of 2017 pending before the court of the learned Additional District and Sessions Judge-III, Barh.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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