

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2421 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- KONCH District- Gaya

RAKESH YADAV @ RAKESH KUMAR S/O RAMBALAK YADAV
RESIDENT OF VILLAGE-SINDUARI, P.S.-KONCH, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Shashank Shekhar, Adv.
Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State through virtual
court proceeding.

The petitioner seeks bail in connection with Konch P.S.
Case No.137 of 2020 registered for the offence punishable
under Sections 147, 148, 149, 341, 307, 326, 302, 504, 506 of
the Indian Penal Code and section 27 and 35 of Arms Act.

As per the prosecution case, this petitioner along with
other accused persons, all armed with rifle entered into the
cement shop where the informant side were present and started
abusing them. The petitioner ordered to kill saying all these are
Bhumihars, upon which all the accused persons started firing
from their rifles. As a result of the said scuffle, two persons died



due to injuries. The informant managed to escape and raised alarm, after which several persons assembled there and the accused persons fled away threatening.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. There was a scuffle between the parties and both sides have sustained injuries. There is a case and counter-case between the parties and this petitioner has filed a complaint case bearing No.430 of 2020 against the informant, 26 named accused and 30 unknown persons with a prayer to send the complaint u/s 156(3) Cr.P.C. for institution of FIR against the accused persons. The petitioner has no criminal antecedent and has been languishing in custody since 08.05.2020.

Learned APP for the State opposed the bail petition.

Learned counsel for the informant submitted that there is a direct allegation against the petitioner that he opened fire upon one Uday Sharma Kaushik causing head injury, who died in the way to hospital.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is hereby



rejected.

However, learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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