

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8576 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- MANER District- Patna

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Akhilesh Ray @ Akhilesh Rai, Son Of Naubat Rai R/O - Khaspur, Chakiya
Tola, P.S.- Maner, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302/
34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 26.04.2021 at 8.00 P.M., her husband received a
call on his mobile from petitioner's mobile no.9708843201 and
petitioner asked to come to Sherpur Ganga Ghat with food of 7-
8 persons. It is next alleged that voice of Mithilesh and Upendra
were coming from behind. Further alleges that her husband left
and when it was late in the night, the informant called him on
which, he disclosed that he will come in a while, but when



husband did not come till morning, it is alleged that informant came to know that all the accused persons shot her husband dead. It is further alleged that as she found out that Mithilesh, Shambhu and petitioner shot him with rifle while other accused were holding.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same appears to be cryptic and vague and at the same time, the informant is not an eye witness to the occurrence. It is next submitted that it absolutely does not stand to reason that if the husband of the informant had any inhibition with the accused persons including the petitioner, then he would not have gone to the place of occurrence on the calling of petitioner. It is also submitted that from perusal of the allegation, it also manifests that informant had called her husband when he was getting late and he responded that he will come in a while and at that point of time also he did not raise any apprehension or suspicion with regard to the conduct of the accused persons including the petitioner. The learned counsel thus submits that the entire allegation hinges around suspicion.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that from perusal of



the case diary, it appears that petitioner has criminal antecedent, but the same stands concealed in the present anticipatory bail application. The learned A.P.P. submits that petitioner came to be implicated in Maner P. S. Case No.752 of 2021 dated 23.05.2021 and the present anticipatory bail came to be filed on 18.02.2022, as such, the petitioner was well-aware that a case has been instituted against him, but in order to secure bail, he has not mentioned his criminal antecedent.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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