

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33710 of 2021

Arising Out of PS. Case No.-646 Year-2020 Thana- PHULWARISHARIF District- Patna

RAKESH YADAV @ RAKESH RAI SON OF LATE KRISHNA YADAV
RESIDENT OF VILLAGE- KARORICHAK, POLICE STATION-
PHULWARISHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad

For the Opposite Party/s : Mr. J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-02-2022 Heard Mr. Sunil Prasad, learned counsel for the

petitioner and Mr. Jai Narain Thakur, learned counsel for the

State.

Petitioner seeks regular bail in connection with
Phulwarisharif PS Case No. 646 of 2020 registered for the
offence under Sections 302 / 120 (B) / 34 of the IPC and Section
27 of the Arms Act.

As per the First Information Report the petitioner
fired upon the nephew of the informant while he was returning
after attending a marriage ceremony due to which he died.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case along with
other accused persons and during the course of investigation it



has come to light that the co-accused /Satyendra Kumar Yadav had fired upon the nephew of the informant due to which he died. He next submits that Satendra Kumar @ Satendra Kumar Yadav has been granted bail by this Court in Cr. Misc. No. 42411 of 2021 and another co-accused / Deepak Mahto has also been granted bail in Cr. Misc. 44901 of 2021.

On the other hand, learned counsel for the State submits that from perusal of the First Information Report it would be evident that petitioner is the main assailant and during course of investigation one of the co-accused / Deepak Mahto has disclosed categorically that it was the petitioner who had fired upon the nephew of the informant. He further submits that there is specific allegation in the First Information Report against the petitioner and Satendra Kumar @ Satendra Kumar Yadav was granted bail on the basis of the material that he is not the assailant and no overt act has been alleged against him. He further submits that earliest version of the informant indicates towards the fact that it was the petitioner who killed the nephew of the informant as such subsequent statement of the informant and others are immaterial at this stage.

Regard being had to the submissions made by the parties, taking into consideration the fact that the petitioner is



the main assailant , there is specific allegation against him in the First Information Report and the petitioner is having criminal antecedent also, as such, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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