

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50850 of 2021**

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

RAKESH YADAV S/o LATE GANESH YADAV R/o VILLAGE-BASUA,
P.S-PASRAHA, DISTRICT-KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh

For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 10-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Pasraha (Supplementary) Police Station Case No. 127 of 2019, registered for the offences punishable under Sections 147/148/149/160/302/307/326/386 of the Indian Penal Code and Section 27 (i) of the Arms Act.

In cross firing between two groups fighting for their supremacy in the village, two persons, who were going on a motorcycle, sustained bullet injury, out of which one person, namely, Sadanand Kumar, died, while the another person, namely, Sujeet Kumar, sustained bullet injury.

Learned Counsel for the petitioner submits that altogether 13 persons are named in the First Information Report



and indiscriminate firing was going on between the two groups for their supremacy and in the cross firing, one person died and another received bullet injury. During the course of investigation, the statement of the injured person, namely, Sujeet Kumar, was recorded by the police in paragraph 38 of the case diary, in which he has stated that firing made by co-accused Sujan Yadav hit the deceased and the firing made by this petitioner hit him. He further submits that co-accused persons, namely, Bipin Yadav and Bidio Yadav (vide order, dated 20.10.2020, passed in Criminal Misc. No. 13850 of 2020) and Nand Yadav (vide order dated 04.09.2020, passed in Criminal Misc. No. 21675 of 2020) have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 22.06.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner has criminal antecedent inasmuch as seven criminal cases have been registered against him and the injured person disclosed before the police that the firing made by this petitioner hit him, I am not inclined to grant



regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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