

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30028 of 2022

Arising Out of PS. Case No.-391 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Rakesh Yadav Son Of Gandhari Yadav R/O Village- Maranga, P.S.- K.Hat,
District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with K. Hat
(Maranga) P.S. Case No. 391 of 2019 registered for the offences
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of Arms Act.

As per the prosecution, while the informant was talking
to his father and brother then this petitioner along with other co-
accused persons came riding on two motorcycles and started
indiscriminate firing, due to which father of the informant
received gun shot injury and ultimately died.

The main submissions advanced by learned counsel Mr.
Bhola Prasad, appearing for the petitioner are that there is no
specific allegation of firing against the petitioner in the FIR and
similarly situated co-accused persons namely, Pankaj Samrat @



Ram Chandra Sharma and Niraj Samrat @ Niraj Kumar Samrat who are also named in the FIR have been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 32381 of 2021 and one co-accused namely, Balkishore @ Babloo Sah though he is not named in the FIR but during investigation he confessed his role in the alleged crime, has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 59096 of 2019 and other co-accused namely, Bharat Bhusan Deshbhakt @ Bharat Bhusan Yadav has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 57376 of 2021 and the petitioner has been languishing in jail since 07.07.2021 and as per the report of court below the petitioner's case has recently been committed and his trial is not started till now.

Learned APP Mr. Bharat Bhushan, appearing for the State has opposed the prayer for bail

Though the above-mentioned co-accused persons who are carrying similar nature of allegation of firing indiscriminately at the relevant time pertaining to the alleged commission of the occurrence, have been granted bail by different Benches of this Court but in view of the criminal antecedents of four cases out of which two relates to murder,



this Court is not inclined to accept his prayer for bail.

Accordingly, petitioner's prayer for bail stands rejected.

The petitioner may renew his prayer for bail after the framing of charge.

(Shailendra Singh, J.)

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