

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38832 of 2022

Arising Out of PS. Case No.-253 Year-2019 Thana- SAKRA District- Muzaffarpur

AKHILESH YADAV @ AKHILESH KUMAR SON OF LATE BILAT
YADAV R/O VILLAGE- PIPARPATIA, P.S.- PIYAR, DISTT.-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Raj

For the Opposite Party/s : Ms.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 10-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Sakra P.S. Case No. 253 of 2019, registered for the offences
punishable under Sections 307, 302/34 and 506 of the Indian
Penal Code.

Nageshewar Rai, the informant is father of the
deceased Rajan Kumar.

As per FIR, Rajan Kumar along with his friend Surya
Kumar Gopi had gone to withdraw money from ATM. After



withdrawal, when they were returning to their house, three persons on a motorcycle intercepted them. One of them fired shot at him. The son of the informant died during course of treatment. It has also been mentioned in the FIR that one month prior to the occurrence, the petitioner through his Mobile Phone No. 6203823534 had threatened the deceased to eliminate.

The learned counsel for the petitioner has submitted that the petitioner is innocent. The informant is a resident of Samastipur District whereas the occurrence had taken place in Muzaffarpur. He has also submitted that the statement of the informant in the FIR is not in accordance with the investigation as the timing of inquest report differs from the statement of the informant and that of the investigation.

On the other hand, the learned Additional Public Prosecutor has submitted that Surya Kumar Gopi is the eye-witness with whom the deceased returned to his home. In her statement recorded in paragraph no. 76 of the case diary, Surya Kumar Gopi has specifically mentioned that it was the petitioner, who opened fire on the deceased.

In my view, it is not a fit case for anticipatory bail. Accordingly it is rejected.

Office shall ensure that all defects are removed by the



petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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