

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51261 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- NAUTAN District- Siwan

Yashwant Kumar Rai @ Yaswant Rai Son Of Keshav Rai R/O-Chinpur, P.S.-
HATHUWA, Distt.-GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.07.2022 in connection with Nautan P.S. Case No. 101 of
2022 registered for the offence punishable under Sections
302,120(B)/34 of IPC and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired
upon the brother of the informant Devendra Rai by pistol on his
back causing firearm injury. Devendra Rai fell down on the
ground and died.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Further submits that the allegation as alleged in the FIR is false
and fabricated and the petitioner has not committed any offence



as alleged in the FIR and as per FIR allegation against the petitioner is that he fired upon the victim.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that and there is direct and specific allegation against the petitioner that he fired upon the victim and number of witnesses have supported the case of the prosecution and the postmortem report of the victim/deceased supports that he has received firearm injury and bullet was found at the place of occurrence and apart from the aforesaid the petitioner carries thirteen more cases other than the present one of the similar nature.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Nautan P.S. Case No. 101 of 2022 pending in the court of learned Chief Judicial Magistrate, Siwan.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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