

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70497 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- AURAI District- Muzaffarpur

AKHILESH KUMAR YADAV Son of Late Ram Dayal Rai R/v- Panapur,
P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fahad Khurshid

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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

ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Aurai P.S. Case No. 217 of 2020, registered for the offences punishable under Sections 302, 201, 506, 34 of the Arms Act.

As per allegation, when the son of the informant did not return home, he conducted a hectic search and during course of search he found the dead-body of his son. The informant had firm belief that co-accused Sandeep Rai, Deepak Kumar and Manoj Rai had killed the deceased. It has further been alleged that Sandeep Rai and Deepak Kumar, one month prior to lodging of the FIR had also assaulted the wife of the deceased when she prohibited them from storing sand on her land.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He has further submitted that the petitioner is not named. The co-accused Deepak Kumar has named the petitioner and that Deepak Kumar has been granted bail by a coordinate Bench of this Court. He has further submitted that the informant was an accused in the murder of father of the petitioner.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that case of the petitioner cannot be equated with co-accused Deepak Kumar as there is no direct allegation of opening fire against him on the person of deceased. Whereas, paragraph No. 182 of the case diary shows that the petitioner fired shot at the stomach of deceased which is corroborated by the post-mortem report.

Considering the above-mentioned facts and circumstances, the petitioner does not deserve the privilege of bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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