

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71652 of 2023

Arising Out of PS. Case No.-646 Year-2020 Thana- PHULWARISHARIF District- Patna

RAKESH YADAV @ RAKESH RAI S/o LATE KRISHNA YADAV
VILLAGE KARORICHAK, P.S. PHULWARISHARIF, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarandha Suman

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-12-2023

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Sessions Trial No. 326 of 2022 arising out of Phulwarisharif P.S. Case No. 646 of 2020 registered for the offence under Sections 302, 120(B) / 34 of the I.P.C. and Section 27 of the Arms Act.

3. This is third attempt for grant of bail on behalf of the petitioner inasmuch as earlier on two occasions prayer for bail of the petitioner was rejected vide order dated 22.02.2022 passed in Cr. Misc. No. 33710 of 2021 & order dated 14.09.2022 passed in Cr. Misc. 47003 of 2022 respectively.

4. As per the First Information Report the petitioner fired upon the nephew of the informant while he was returning after attending a marriage ceremony due to which he died.

5. This Court vide order dated 10.11.2023 has called



for a report from the court below regarding the present stage of the trial and in pursuance thereof learned Additional District and Sessions Judge - XXV, Patna has furnished the report vide letter no. 105 / 2023 dated 12.12.2023. From perusal of the report it appears that out of eight charge-sheet witnesses, seven witnesses have been examined and cross -examined and only one official witness i.e. doctor, is to be examined. The trial court has given the estimated time for completion of trial by January, 2024.

6. In view of the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage.

7. The prayer for bail is rejected.

8. However, if the trial is not concluded within a period of three months from today, the petitioner shall be at liberty to renew his prayer for bail.

(Anil Kumar Sinha, J)

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