

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18979 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- CHANDI District- Bhojpur

Rakesh Kumar Rai @ Kallu Rai S/o Radha Mohan Rai R/o vill - Arjunpur,
P.S. - Buxar (Industrial), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Samrendra Jha, Advocate
For the Informant	:	Mr. Gopesh Raj, Advocate
For the Opposite Party	:	Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in Chandi P.S. Case No.
265 of 2023, instituted for the offences under Sections 147, 148,
149, 341, 342, 307, 302, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the petitioner
along with other co-accused persons encircled the informant and
his partners and started firing upon them, resultantly one Harshit
Singh died due to fire arm injury and also the informant
sustained fire arm injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in the present case. There is case and counter case between both the parties. It is further submitted that the petitioner has also sustained four fire arm injuries. It is evident from the post-mortem report of the deceased that the deceased sustained several fire arm injuries, whereas, it is alleged that the petitioner has fired on both the legs of the deceased. The petitioner is in custody since 02.11.2023 and has no criminal antecedent.

5. Learned counsel for the informant and learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. They submitted that there is specific allegation of firing against the petitioner with an intention to kill the informant. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, I am not inclined to grant bail to the petitioner. The prayer is rejected. The Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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