

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42286 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- NAUHATTA District- Saharsa

Rakesh Kumar Yadav @ Rakesh Yadav S/O Late Mahadev Prasad Yadav R/O
Village Kasimpur, Ward No.4, P.S. - Nauhatta, District Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Nauhatta P.S Case No. 257 of 2023 from the Court of learned Additional Sessions, Judge-II, Saharsa registered for the offences punishable under Sections 341, 323, 307, 379, 354(A), 427, 504, 506/34 of the I.P.C and 27 of the Arms Act.

3. As per allegation in the FIR, oral scuffle took place between the informant's mother and wife of the petitioner. Thereafter, petitioner fired 8 to 10 round due to which informant's uncle, father, mother and brother received severe injuries. Petitioner also assaulted the informant due to which he received injury on left hand upper elbow.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is also submitted that petitioner is in judicial custody since 22.11.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, Case diary, impugned order, it appears that there is specific allegation against the petitioner to fired upon the informant and his family member indiscriminately due to which they sustained severe injuries. Moreover, witness examined also supported the prosecution case and considering the seriousness of the offence and facts and circumstances of this case, this Court is not inclined to grant bail to the petitioner.

7. Hence prayer for regular bail of the petitioner is hereby rejected. However, the trial Court is directed to conclude the trial expeditiously.

(Ramesh Chand Malviya, J)

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