

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40394 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- FULKAHA District- Araria

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Rajesh Kumar @ Rajesh Kumar Yadav Son of Shyam Sundar Yadav Resident
of Village - Madhura Uttar, Ward No.- 3, P.S.- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

ORAL ORDER

3 08-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 147, 149, 341, 323, 307,
504, 504, 506, 120(B) and 302 of the Indian Penal Code.

3. As per allegation in the FIR, all the accused persons
including the petitioner have surrounded the victim and started
to assaulting and the petitioner fired pistol on the son of the
informant and thereafter the son of the informant died during
course of treatment.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that three co-accused persons have already been granted



bail by this Court passed in Cr. Misc. Nos.10543 of 2024, 11080 of 2024 and 15799 of 2024. Petitioner has got five criminal antecedents as stated in para-3 of the petition and he is in custody since 07.10.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, case diary, postmortem report of the deceased and impugned order dated 19.04.2024, it appears that there is specific and direct allegation of firing against this petitioner and it also appears from the postmortem report of the deceased that the death was caused due to fire arm injuries and the petitioner has fired shot on the deceased and as such, the petitioner is direct assailant in this case. Other co-accused persons who have been granted bail by this Court are not the direct assailant in this case, as this petitioner is only person who has fired shot upon the deceased, therefore, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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