

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51147 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 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

For the Informant : Ms. Kanchan Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chandi
P.S. Case No. 265 of 2023 instituted for the offences under
Sections 147, 148, 149, 341, 342, 307, 302 and 506 of the
Indian Penal Code and Section 27 of the Arms Act, 1959.

3. This is the second attempt of the petitioner for bail.
Earlier, the petitioner had moved before this Court in Cr. Misc.
No. 18979 of 2024 for grant of bail and this Court, vide order
dated 26.04.2024, rejected the same on merit.

4. The prosecution case, 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. The Informant also



sustained fire arm injury.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties. He further submits that the allegation against the petitioner is of firing at the victim's leg whereas the co-accused Kallu Singh @ Manish Rai shot at the left side of the ribs of the deceased. He further submits that co-accused Kallu Singh @ Manish Rai who has fired causing fire-arm injury on the left side ribs i.e. vital part of the body of the deceased Harshit Singh who has already been granted bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No. 35014 of 2024. The petitioner has four criminal antecedents out of which, in three of them, he is on bail and is languishing in judicial custody since 02.11.2023.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and has also four criminal antecedents. He further submits that there is specific and direct allegation of firing against the petitioner. The accusation alleged against the petitioner is serious in nature and, thus, he does not deserve bail.



7. This Court has already rejected the prayer for bail of the petitioner on merits.

8. Considering the entire facts and circumstances of the case and there being specific allegation of firing against the petitioner with an intention to kill the Informant, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is again rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of one year from today.

10. If the trial is not concluded within the aforesaid period of one year, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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