

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61762 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- MAHINDWARA District- Sitamarhi

MUKESH RAI Son of Radhamohan Rai @ Radhamohan Yadav @
Radhamohan Prasad Village- Salemapur Ps- Rampur Hari Dist- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-10-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Mahindwara P.S. Case No. 77 of 2024, registered for the offence punishable under Section 386, 302/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case in brief is that the informant who is widow of the deceased alleged that her husband was running a C.S.P. Centre and on the fateful day, the accused persons including this petitioner armed variously came and demanded money (extortion). Later, it is alleged that Manikant Rai, Rakesh Rai and Saroj Rai opened fire causing injury. Though he was taken to Maa Janki Hospital, Muzaffarpur, was declared dead.

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



case. There is no specific allegation of firing is against this petitioner rather the accusation of firing is upon Manikant Rai, Rakesh Rai and Saroj Rai. Petitioner has three criminal antecedent. Similarly situated co-accused Radhamohan Rai @ Radhamohan Yadav @ Radhamohan Prasad had already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 11.09.2024 passed in Cr. Miscellaneous No. 60882 of 2024.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner and submits that petitioner is named in the F.I.R. and the petitioner was also involved in the demand of extortion and also made firing. Petitioner cannot claim purity as petitioner is 38 years old and is accused in three criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case and also serious nature of accusation against this petitioner, this anticipatory bail petition stands rejected.

(Prabhat Kumar Singh, J)

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