

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65535 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- BARARI District- Katihar

Rakesh Kumar Son Of Prakash Mehta R/O Vill - Gandhigram, P.S. - Barari,
Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr Adv Mr. Rajendra Prasad Sah
For the State	:	Mr. Satyendra Narayan Singh
For the Informant	:	Mr. Rananjay Kumar Mr. Harish Chandra Patel

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for bail in connection with
Barari P.S. Case No. 136 of 2023 instituted for the offence under
Sections 302, 120B and 34 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 27 of the Arms Act.

Allegation against the petitioner is that the fired upon
the informant's husband due to which he sustained gun shot
injury thereafter, she took her husband to hospital where doctor
declared him dead.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this present case



due to some dispute. It is further submitted that the postmortem of the deceased was conducted before registering the FIR. Moreover, he is languishing in custody since 31.05.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the petitioner is named in FIR and there is specific allegation against him to fire upon the informant's husband due to which he died. During investigation, witnesses supported the prosecution case and postmortem report also corroborated with the prosecution version as the doctor opined that the cause of death of the deceased is due to injuries sustained on his body caused by firearms.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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