

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67479 of 2024**

Arising Out of PS. Case No.-101 Year-2022 Thana- NAUTAN District- Siwan

Yashwant Kumar Rai @ Yaswant Rai Son of Keshav Rai Village -Chainpura,  
ps- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-09-2024                      Heard Mr. Kumar Harshvardhan, the learned counsel  
  
for the petitioner and Mr. Sanjay Kumar Tiwary, the learned  
  
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 12.07.2022, in connection with Nautan P.S. Case No. 101 of 2022, FIR dated 09.05.2022, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 51261 of 2023, which was dismissed vide order dated 12.09.2023.

4. Allegation against the petitioner is that he fired upon the brother of the informant Devendra Rai by pistol on his back causing firearm injury. Devendra Rai fell down on the ground and died.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the F.I.R. is



false and fabricated and the petitioner has not committed any offence, as alleged in the F.I.R.

6. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is no new ground mentioned in the bail petition and a bare perusal of the F.I.R., it appears that there is direct and specific allegation against the petitioner that he fired upon the victim and number of witnesses have supported the case of prosecution and apart from that the postmortem report also supports the allegation as alleged in the F.I.R. against the petitioner and petitioner carries thirteen more cases other than the present one of the similar nature.

7. Considering the aforesaid facts that there is direct allegation against the petitioner and the petitioner carries thirteen more cases other than the present one of the similar nature, I am not inclined to enlarge the petitioner on bail in connection with Nautan P.S. Case No. 101 of 2022 pending in the court of learned Chief Judicial Magistrate, Siwan.

8. Prayer is refused

**(Rajesh Kumar Verma, J)**

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