

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69782 of 2024

Arising Out of PS. Case No.-170 Year-2021 Thana- KARJA District- Muzaffarpur

Rakesh Kumar S/O Hari Nandan Ray R/O Village - Madhopur , P. S -
Vaishali, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner and
learned APP for the State.

Earlier the regular bail of the petitioner was rejected
vide order dated 05.04.2024 passed in Cr. Misc. No. 78295 of
2023 (Annexure- P/1). The present is the second application for
regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with S.Tr.
No. 366 of 2022, arising out of Karja P.S. Case No. 170 of 2021
instituted for the offences punishable under Sections 302 & 34
of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution case, in short, is that, the petitioner
has fired upon the son of the informant as a result of which he
died.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present on the date of occurrence. It is also submitted that there is delay of two days in lodging of the FIR. The petitioner is in custody since 20.09.2023 and has got one criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submits that there is specific allegation against the petitioner of firing upon the son of the informant as a result of which he died. It is further submitted that postmortem report corroborates the prosecution case.

7. Earlier vide order dated 27.09.2024, a report was called for from the Court of learned Additional Sessions Judge-5th, Muzaffarpur, with respect to the number of witnesses to be examined and period under which the trial is likely to concluded. A report dated 19.10.2024 has been received from the Court of learned Additional Sessions Judge-5th, Muzaffarpur, and it is to the effect that the case is at the stage of



prosecution evidence. All the material witnesses have already been examined in this case but Doctor and I.O are yet to be examined.

8. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. The prayer is rejected.

(Rudra Prakash Mishra, J)

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