

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78295 of 2023

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

Rakesh Kumar Son Of Hari Nandan Ray Resident Of Village- Madhopur, Ps-
Vaishali , Distt- 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

4 05-04-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with S.Tr.
No. 366 of 2022 arising out of Karja PS Case No. 170 of 2021
instituted for the offences under Sections 302 & 34 of the Indian
Penal Code (for brevity ‘the IPC’) and Section 27 of the Arms
Act.

3. Earlier *vide* order dated 05-12-2023, a report was
called for from the Court of learned 19th Additional District and
Sessions Judge, Muzaffarpur, with respect to the number of
witnesses to be examined and period under which the trial is
likely to be concluded. A report dated 08-12-2023 has been
received from the Court of 19th Additional District and Sessions



Judge, Muzaffarpur and it is to the effect that out of four out of six witnesses are examined and two witnesses are yet to be examined. It is further stated that trial is likely to be concluded within five months.

4. Prosecution allegation, in short, is that 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. The petitioner is in custody since 20-09-2023 and has one criminal antecedent. Learned counsel for the petitioner submits that petitioner was not present on the date of occurrence. It is further submitted that there is delay of two days in lodging of the FIR.

6. Learned A.P.P. 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. Considering the nature of accusation against the petitioner and the gravity of the offence, I am not inclined to



grant bail to the petitioner.

8. The prayer is rejected.

9. The Trial Court is directed to take all necessary steps to conclude the trial at earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj kishore/-

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