

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78668 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- PASRAHA District- Khagaria

Rakesh Kumar Singh @ Rakesh Kumar Son Of Late Tuntun Singh @
Mukund Kumar Resident Of Village - Pasraha, P.S. - Pasraha, District -
Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 12-07-2024 Heard the parties.

2. Petitioner seeks regular bail in connection with Pasraha P.S. Case No. 144 of 2023 registered for the offence punishable under Sections 302, 307/34, 120(B) of the Indian Penal Code and Section 27(3) of the Arms Act.

3. As per the First Information Report, the petitioner along with other four miscreants has fired upon the husband of the informant, due to which, he sustained firearm injury on his head, right ribs and subsequently, he died on the spot itself. It is further alleged that other relatives of the informant also received fire arm injuries.

4. Learned counsel for the petitioner submits



that the petitioner has falsely been implicated in this case at the instance of his enemies on the pretext of political rivalry and the prosecution story is completely false, fabricated and concocted. The petitioner has not committed any offence as alleged in the FIR. Learned counsel further submits that petitioner is in custody since 29.05.2023.

5. Learned APP, while vehemently opposing the prayer for regular bail, submits that there is direct allegation of firing upon the petitioner. Hence he does not deserve privilege of bail. It is next submitted that regular bail of one of the co-accused has already been rejected by this Court *vide* order dated 27.03.2024 passed in Cr. Misc. No. 5296 of 2024.

6. On perusal of the FIR and the case diary, it appears that specific allegation of firing upon the husband of the informant is against the petitioner and the postmortem report shows the injuries found on the body of the deceased are grievous which proved fatal and the deceased succumbed to this injuries. Taking into



consideration the injuries found on the body of the deceased and the fact that the petitioners have got criminal antecedents, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail is rejected.

(Ramesh Chand Malviya, J)

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