

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19264 of 2015

Arising Out of PS.Case No. -257 Year- 2013 Thana -BANIAPUR District- SARAN

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Manokamna Kunwar @ Manokamna Kumar @ Kunwar son of Late
Sawalia Kunwar, resident of village- Hariharpur, Police Station- Baniapur,
District- Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-07-2015 Heard learned counsel for the petitioner,

learned counsel for the informant and learned counsel for

the State.

The petitioner is in custody since 18.3.2015
in connection with Baniyapur P.S. Case No.257/2013,
registered for the offences under Sections- 341, 307 and
504/34 of I.P.C. and 27 of the Arms Act.

Learned counsel for the petitioner submits
that in the present case the informant has made the
allegation against this petitioner and two others that they
followed the informant and after stopping his vehicle fired
at him. It is stated in the F.I.R. that first Chintu Kumar
fired at him which did not hit the informant, but went

over his head. It is also stated that Manokamna Kunwar, the present petitioner, also fired which hit him on the right side of his waist.

Learned counsel for the petitioner submits that if at all the intention would have been to kill, there would have been repetition of shots as there was no intervening circumstances which would have saved him.

Learned counsel for the informant has vehemently opposed the application for bail on the ground that the petitioner is a veteran criminal and has been set up by his brother who is also a veteran criminal and is languishing in jail. It is submitted that the injury which is stated to have been inflicted on the informant may be of whatever nature, but the intention to kill was clearly there as they had also been demanding extortion (Rangdari tax) from this informant.

Learned counsel for the petitioner, however, submits that the petitioner has no criminal antecedent and it cannot be said that he is a hardened criminal and has been set up by his brother.

Considering the materials on record as available in the case diary, the period of custody and also the fact that the petitioner has no criminal antecedent, let

the petitioner named above be enlarged on bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No.257 of 2013.

(Anjana Mishra, J)

K.C.jha/-

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