

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9993 of 2016

Arising Out of PS.Case No. -366 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Manoj Kumar Son of Sri Ram Balak Rai @ Ram Balak Yadav Resident of
Village + P.O. - Madhopur (Bakhtiyarpur), P.S. Bakhtiyarpur, District
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 366 of 2015 registered for the
offences punishable under Sections 307 and 379/34 of the Indian
Penal Code and Section 27 of the Arms Act

Allegedly, the petitioner and other co-accused after
taking two computers from Lakshya computer institute, started
fleeing away which was opposed and when Ashok Yadav and
Mithun Yadav went outside, they opened fire, resulting Ashok
Yadav and Mithun Yadav received firearm injuries in their legs.

Submission is of false implication and there is case and

counter case, the prosecution has suppressed the real fact, the manner of occurrence as alleged is not the true version, injured Mithun Yadav has stated that he later on came to know that Manoj Kumar Yadav has shot, in the First Information Report there is no specific allegation against the petitioner and this case is counter blast of Bakhtiyarpur P.S. Case No. 369 of 2015 and, as such, the petitioner deserves sympathetic consideration and further the police has lodged Bakhtiyarpur P.S. Case No. 357 of 2015 also.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has caused firearm injury to injured which is evident from statement of injured Ashok Kumar vide para 44 of the case diary and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, the petitioner, above named, shall be released on bail **after completion of nine months in custody from the date of his remand** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 366 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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