

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13355 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -BUDDHACOLONY District- PATNA

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Manish Kumar, son of Jay Prakash Mandal, Resident of Village - Laltipur,
P.S. - Bihpur, District - Naugachia, presently near Gandhi Murti, in the
house of Kabi Paswan, Dujra, P.S. - Budha Colony, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 13.09.2015
in connection with Buddha Colony P.S. Case No. 223/15 for
offences alleged under Sections 341, 326, 307, 120-B/34 of the
Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant
is that on 10.09.2015 at 9.00 P.M. while his brother Niranjana
Yadav @ Lotha Gope was returning to his house petitioner and
one Ajay Rai surrounded him and shot him with fire-arm and fled
away.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in

the aforesaid case. He submits that it is only on the basis of previous enmity that the petitioner has been named in the First Information Report and also refers to various paragraphs of the case diary in which one accomplice Ajay Rai has given his confessional statement that he being a member of the party of injured Niranjana Yadav @ Lotha Gope there occurred some dispute and he fired gun shot on Niranjana Yadav. He further submits that there is only one injury found on the person of Niranjana Yadav as per the injury report.

However, learned APP for the State submits that although the medical report specifies only one injury which has been confessed by co-accused Ajay Rai, but he is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the co-accused has already confessed his guilt and there being only one injury, let petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ritu Kumari, learned Judicial Magistrate 1st Class, Patna in connection with Buddha Colony P.S. Case No. 223/15.

(Nilu Agrawal, J.)

Rajesh/-

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