

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55799 of 2015

Arising Out of PS.Case No. -12 Year- 2014 Thana -MANER District- PATNA

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1. Bardka @ Kunal Kumar @ Kunal Rai @ Bare
2. Chhotka @ Pappu Kumar @ Chhote both sons of Sri Chandsi Rai,
resident of village- Maulinagar, P.S. Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Ratan Kumar
For the Opposite Party/s Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 17.02.2016 Heard learned counsel for the petitioners, learned Addl.
Public Prosecutor for the State as well as learned counsel for the
informant.

Informant is not an eye-witness of the alleged occurrence
and when he came on the place of occurrence, he learnt about the
names of the petitioners and other accused and also learnt that one
Gajendra Rai has sustained injury in the aforesaid occurrence.
Statement of injured- Gajendra Rai was recorded by I.O. at para 36 of
the case diary and the said witness specifically stated that it was
petitioner no.1 who shot fire on the deceased and when he tried to
catch petitioner no.1, petitioner no.1 opened fire upon him also. The
aforesaid witness sustained firearm injury which is evident from
perusal of para 36 of the case diary itself because statement of the
aforesaid witness was recorded in emergency ward of Patna Medical

College & Hospital, Patna.

So far as petitioner no.2 is concerned, there is no allegation of making fire against him, though it is stated that he was also present on the place of occurrence and hatched up a conspiracy with other accused.

Considering the aforesaid facts and circumstances as well as submissions of the parties, prayer for bail of petitioner no.2 is allowed. Accordingly, petitioner no.2, namely, Chhotka @ Pappu Kumar @ Chhote is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Rahul Kumar, Judicial Magistrate, Ist Class, Danapur/ concerned court in Maner P.S. Case no. 12/2014.

So far as prayer for bail of petitioner no.1, namely, Bardka @ Kunal Kumar @ Kunal Rai @ Bare is concerned, the same stands rejected.

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(Hemant Kumar Srivastava,J)

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