

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39179 of 2016

Arising Out of PS.Case No. -508 Year- 2015 Thana -MANER District- PATNA

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1. Vinay Kumar Singh, son of Late Laxmi Narayan Singh
 2. Vicky Kumar, son of Late Vijay Kumar both are resident of Village- Jiv Rakhan Tola, Beyapur, P.S.- Maner, District- Patna.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 17-11-2016 Heard learned counsel for the petitioners as well
as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the
offences punishable under Section 302 and other allied sections
of the Indian Penal Code and Section 27 of the Arms Act.

Altogether 29 persons are named in the first
information report. Petitioners are, too, named and it is alleged
that petitioners and others made indiscriminate firing as a result
of which several persons sustained firearm injury. So far as
deceased, Manager Rai is concerned, it is specific in the written
report of informant that it were co-accused, Raju Kumar @

Rajiv Kumar, Bablu Kumar and Ajay Kumar who opened fire on the deceased causing firearm injury to him. The occurrence appears to have taken place on account of dispute of passage.

Submission on behalf of the petitioner is that no specific overt-act has been attributed against these petitioners and having more or less similar allegation, one co-accused, Mritunjay Kumar @ Mritunjay Kumar Singh has already been granted privilege of bail by a co-ordinate Bench of this court.

Learned counsel for the complainant submits that petitioners and other accused are habitual offenders and prior to the alleged occurrence they had committed similar type of occurrence against the prosecution party on account of dispute of above stated passage and there is every likelihood that they would again repeat the similar occurrence, if they are released on bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur in connection with Maner P.S. Case No. 508 of 2015.

However, it is made clear that if petitioners are

found indulged in tampering with the prosecution evidence, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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