

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26431 of 2016

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

1. Sanjay Kumar
2. Pankaj Kumar @ Rikki Kumar,
Both sons of Vijay Kumar Singh, R/o Jivrakhan Tola, Byaypur, P.S. Maner,
Dist. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Mukteshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-08-2016 Heard both sides.

The petitioners apprehend their arrest in Maner P.S.
Case No. 508/15 registered under Section 302 and other sections
of the Indian Penal Code, Section 27 of the Arms Act.

The informant and his co-villagers were cleaning the
road on the occasion of Chhatha Puja but, in the meantime, all the
accused persons having armed with different weapons including
fire arms came and asked the informant to stop cleaning the road.
When Manager Rai protested, Raju, Bablu and Ajay fired upon
him and killed him on the spot. The informant further alleged that
the accused persons made indiscriminate firing in which many
persons were injured.

Learned counsel for the petitioners submits that there

is a specific allegation of firing against Raju, Bablu and Ajay, who fired causing the death of Manager Rai, but no specific allegation is made against the petitioners. The petitioners are mere members of mob. It is further submitted that from the order of the learned Sessions Judge, it appears that the injury report of Upendra Rai is on the record.

Learned counsel for the informant as well as learned A.P.P. has, however, vehemently opposed the prayer for anticipatory bail.

It appears that the informant made a very specific allegation that the petitioners were also armed with fire arms and Raju, Bablu and Ajay fired killing Manager Rai on the spot. Other accused persons made indiscriminate firing in which many persons were injured. During the course of investigation, the investigating officer had taken the statement of other injured witnesses. The other injured witnesses have very categorically stated that the petitioners and others made indiscriminate firing.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail in Maner P.S. Case No. 508 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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