

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67992 of 2018

Arising Out of PS. Case No.-408 Year-2018 Thana- MANER District- Patna

Ganesh Rai @ Ganesh Kumar @ Ganesh Kumar Singh @ Ganesh Singh Son
of Ram Bishun Rai Resident of Village-Darbeshpur,P.s. Maner,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-11-2018 Heard the parties.

The petitioner seeks regular bail in connection with Maner P.S.Case no.408 of 2018 dated 12.8.2018 registered for offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 379 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that accused persons surrounded the brother of the informant and making indiscriminately firing on him and the specific allegation is against Manoj Kumar and Vijay Rai of firing on the brother of the deceased causing injury on the neck and body and there is further allegation of assault by the other accused persons causing injury to his grand maternal father Khelari Rai, Ram Jhari Devi and brother Manu Rai and further



allegation is that the petitioner and one Tunni Rai fired causing injury to one Jai Nath Rai and Babu Chand.

Submission of the learned counsel for the petitioner is that there is no specific allegation of firing against the petitioner on the deceased and though there is allegation against the petitioner of firing on the Jai Nath Rai and Babu Chand but no such injury are found on the person injured and moreover the petitioner is a cancer patient, which will appear from Annexures- 2 and 3 which is a certificate given by Tata Memorial Centre (Cancer Hospital) , Bombay. The petitioner is in custody since 13.8.2018.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that there is allegation against the petitioner also of firing on Jai Nath Rai and Babu Chand and Jai Nath Rai was discharged, in support of which he has shows a certificate issued by the P.M.C.H..

From perusal of the same, it appears that though he has received bullet injuries but he has been discharged after giving some medicines.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named,



be enlarged on bail on furnishing bail bond of Rs.25,000/-
(Twenty Five Thousand) with two sureties of the like amount
each to the satisfaction of the learned Miss Nutan Kumari, J.M.
1st Class, Danapur, Patna in connection with Maner P.S.Case
No.408 of 2018.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is
allowed.

chn/-

(Vinod Kumar Sinha, J)

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