

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73708 of 2018

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

Vikash Kumar, Son of Late Jai Prakash Singh @ Late Jai Prakash Rai, R/o-
Jirakhan Tola, Gauraiya Asthan, P.S.-Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ghanshyam Tiwary
For the Opposite Party/s :	Mr. Sri Ramchandra Singh
For the informant:	Mr. Indu Bhushan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-12-2018 Heard Mr. Yogesh Chandra Verma, the learned senior
counsel for the petitioner, the learned APP, and Mr. Indu
Bhushan, the learned counsel for the informant.

The petitioner seeks bail in Maner P.S. case No. 408
of 2018 registered under Section 302, 307 and other minor
Sections of the Indian Penal Code.

Shravan Kumar, the brother of deceased, made
allegation that on 12.08.2018 while his brother, Vikash Rai, had
gone to his field for harvesting the crops Ram Bishun Singh,
Manoj Kumar, Pramod Rai, Binod Rai, Vijay Rai, Mutur Rai,
Vikash Kumar, the petitioner, Budhan Singh, Sudheshwar
Singh, Santosh Kumar, Yogendra Rai, Ashok Kumar came and
started indiscriminate firing after surrounding his brother. His



brother made efforts to flee away but in the meantime Manoj Kumar and Vijay Kumar fired at his brother causing fire arm injury near his neck and other parts of his body. Consequently, his brother fell down on the ground. On hearing sound of firing the informant and other family members rushed to the place of occurrence and saw that the accused persons were also assaulting the deceased with butt of gun. It is further alleged that in the firing his maternal grand father, Khelari Rai, mother, Ramjhari Devi, brother-in-law, Manu Rai got injuries. In the meanwhile, Ganesh Rai and Tunni Rai also came there and fired in which Jainath Rai and Babu Chandra Rai got injuries. The accused persons took away different articles from the possession of his brother and mother.

The learned senior counsel for the petitioner submits that, of course, the petitioner is named in the FIR but no specific allegation is made against the petitioner. At the first instance the informant alleged that all the 12 named accused persons made firing but his brother did not receive any injury. Thereafter, Manoj Kumar and Vijay Kumar made firing pointing at his brother and his brother received injuries near his neck and other parts of his body. Of course, five injuries are found on the body of deceased but those injuries are attributed to Manoj Kumar



and Vijay Kumar. Similarly situated accused Santosh Kumar, whose name appears at serial No. 10 of the FIR, has already been enlarged on bail vide order passed in Cr. Misc. 72695 of 2018. Ganesh Rai, who is said to have fired at the place of occurrence along with Tunni Rai, has also been enlarged on bail vide order dated 29.11.2018 passed in Cr. Misc. No. 67992 of 2018. The case of petitioner stands on same footing as that of Santosh Rai.

On the other hand, the learned counsel for the informant and learned APP opposed the prayer for bail. Learned counsel for the informant submits that informant made allegation that all the 12 accused persons made indiscriminate firing. Besides the deceased Vikash Kumar, many other persons, Ramjhari Devi, Mannu Rai and others have sustained injuries and, therefore, the petitioner does not deserve bail.

It appears that of course the petitioner is named in the FIR but the informant made allegation that all the 12 accused persons at the first instance made indiscriminate firing and his brother started fleeing away in order to save his life. Thereafter, Manoj Kumar and Vijay Kumar opened fire pointing at his brother and on account of such firing his brother received injuries near his neck and other parts of his body. The petitioner



is not alleged to have caused any injury to any person. Similarly situated accused Santosh Rai has already been granted bail.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the lime amount each to the satisfaction of Ms. Nutan Kumari, learned Judicial Magistrate, 1st class, Danapur, Patna in connection with Maner P.S. case No. 408 of 2018.

(Prabhat Kumar Jha, J)

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