

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22947 of 2018

Arising Out of PS.Case No. -38 Year- 2017 Thana -MANER District- PATNA

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Jai Biru Rai @ Rakesh Kumar son of Radhay Shyam Rai, Resident of
Village-Chakiya Tola, Khaspur, Police Station-Maner, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shabbir Ahmard
Mr. Chandra Bhushan Singh
For the State : Mr. Mustaque Alam, APP
For the Informant : Mr. Praveen Prabhakar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Maner P.S. Case No. 38 of 2017, Sessions Trial No. 697 of 2017
for the offences punishable under Sections 302/34 of the Indian
Penal Code and Sections 25(1-B)a, 26/35 of the Arms Act.

The case of the prosecution as per the written report of
the informant is that on 30.01.2017 the petitioner along with other
co-accused persons came to his house and took away his son
Randhir Kumar whereafter they are said to have assaulted the son
of the informant near Rajkiya Madhya Vidhalay, Chakiya Tola,
Khaspur. It is further stated in the written report that upon hearing
noise of gun shot firing one Manoj Kumar and one Shyam Nath



Rai and others came at the place of occurrence and had seen the petitioner holding a pistol in his hand. The gun shot injury on the person of the son of the informant had led to his death. It is further submitted that the said two persons namely Manoj Kumar and shyam Nath Rai have not been examined by the Police during the course of investigation, hence there is no evidence of the petitioner having killed the son of the informant. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 01.02.2017.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case more particularly the fact that no evidence has been shown by the learned counsel for the informant to prima facie connect the petitioner with the alleged crime as also the fact that the petitioner is having a clean antecedent, I deem it fit and appropriate to enlarge the petitioner, above named, on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Danapur in connection with Maner P.S. Case No. 38 of 2017, Sessions Trial No. 697 of 2017.

It is directed that the petitioner would mark his



attendance before the Officer-in-Charge of the concerned Police Station at 10 A.M. on each and every Monday of the month and in the event of his failure on three consecutive occasions to mark his attendance, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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