

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66414 of 2018

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

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1. Ram Bisun Singh Son of Late Janki Bhagat @ Ganga Prasad Singh
 2. Mutar Rai @ Nitish Singh Son of Late Dinesh Singh Both Resident of Village-Darveshpur,P.S. Maner,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 18-12-2018 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Informant.

Petitioners seeks bail in **Maner P.S. Case No. 408 of 2018** registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in his fardbeyan that there is land dispute with accused and his brother Vikash Kumar @ Vikash Ram on 12.08.2018 at 7:30 am had gone to harves the crop when FIR named accused including petitioners variously armed surrounded his brother and he tried to flee away to save his life then all the named accused started firing upon him. Accused Manoj Kumar and Vijay Kumar fired upon his brother



which hit on his neck and other parts of the body and on receiving such fire arm injury he fell down and upon hearing the sound of firing he along with all family members rushed towards the field and found his brother lying down in injured condition and all above named accused were assaulting his brother and when they tried to save him they started firing upon them also as a result of which his maternal grandfather, his mother and Brother-in-Law also sustained injury. It has been further alleged that Ganesh Ram and Tunni Ram also came with gun and started firing as result of which his Brother-in-Law and cousin brother also sustained injury.

Allegation against petitioner no. 1 is that Informant suspects that golden chain of his mother and Rs. 2200/- from the pocket of his brother has been snatched by him. Nearby villagers and relatives came there and accused fled away and thereafter his brother was taken to Hospital, however, he died during the course of treatment.

Petitioners in paragraph no. 3 have stated that they have fair antecedent but same was disputed on behalf of Informant and thereafter they filed a supplementary affidavit that petitioner no. 1 is accused in Maner P.S. Case No. 122 dated 29.08.1983 for offences punishable under sections 147, 148,



149, 341, 323, 307, 302, 379 of IPC and Section 27 of the Arms Act and a complaint case No. 478 (C) of 2000 for the offences punishable under sections 402 r/w 34 of IPC and petitioner no. 1 being an old and infirm man suffering from various diseases and due to loss of memory he could not instruct properly about his antecedent and there was no deliberate concealment but same was by inadvertence. Petitioner no. 1 is aged about 88 years.

It has been submitted on behalf of the petitioners that there is no specific allegation of any overt act against the petitioners and allegations are general and omnibus in nature. Admittedly, there is land dispute with petitioner no. 1 and therefore, he has been falsely implicated in this case. Petitioner no. 1 is 88 years old and suffering from various ailments. It has been further submitted that co-accused Ganesh Rai has been granted bail by a co-ordinate bench of this Court in Criminal Miscellaneous No. 67992 of 2018 by order dated 29.11.2018.

Learned counsel for the Informant has appeared and vehemently opposed the prayer for grant of bail to the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two



sureties of the like amount each to the satisfaction of learned
ACJM, Danapur, in connection with **Maner P.S. Case No. 408
of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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