

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76235 of 2018

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

1. Binod Ray,
2. Suresh Ray, Both are sons of late Gaya Ray, R/o Village- Goraiya Asthan, Tata Colony, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4708 of 2019

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

Shiv Mahadeo Rai, son of Mangal Rai, R/o – Darveshpur, P.S. Maner, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11132 of 2019

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

Raj Kishore Rai @ Subodh Rai @ Ramkishore Rai, Son of Nageshwar Rai Resident of Neelkanth Tola, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76235 of 2018)

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate.

For the Opposite Party/s : Mr.Sri S.M. Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 4708 of 2019)

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Abhay Kumar

(In CRIMINAL MISCELLANEOUS No. 11132 of 2019)

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Umeshanand Pandit



**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 14-05-2019 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Maner P.S. Case No. 408 of 2018 registered under Sections 147, 148,
149, 341, 323, 307, 302 and 379 of the Indian Penal Code and
Section 27 of the Arms Act.

The accusation is that in the morning of 12.08.2018,
Ram Bishun Singh, Manoj Kumar, Promod Ray, Binod Rai, Bijay
Ray, Mutar Ray, Bikas Ray, Sudheshwar Singh, Budhan Singh,
Santosh Kumar, Yogendra Ray and Ashok Kumar variously armed
with weapons came and surrounded the brother of informant,
Shrawan Kumar, and started to abuse and assault due to land dispute.
In that course, Manoj Kumar and Vijay Kumar opened fire causing
injury at the neck of his brother, Bikash Kumar. On hearing the sound
of firing, informant and his other family members reached there and
tried to intervene then all started making firing, in which, Khelari
Ram and Ramjhari Devi, maternal grandfather and mother of the
informant, and Lal Manu Ray also sustained injury. In the meantime,
Ganesh Rai and Tunni Rai also came there and started to make firing,
in which, Jaynath Ray and Babu Chand Rai, brother-in-law and
cousin of the informant also sustained injury.

Learned counsel for the petitioners submits that it would



appear from the F.I.R. that petitioners are not named in the F.I.R. but in course of investigation, informant filed the protest petition disclosing the name of petitioners without any overt act and thereafter, the name of the petitioners have surfaced only on the basis of supervision note of Superintendent of Police (Town), Patna, as detailed in paragraph 133 of the case diary, except that nothing has come against the petitioners showing their involvement in the present case.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the J.M. Ist Class, Danapur, Patna, in connection with Maner P.S. Case No. 408 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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