

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61933 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- FATUA District- Patna

Manoj Rai @ Manoj Kumar S/o Lakshmi Rai, resident of Village-
Pitambarpur, P.S. Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Opposite Party/s : Mr.Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 04-04-2019 In pursuance to the order dated 14.03.2019, Ms. Garima Malik, Sr. Superintendent of Police, Patna is present before this Court in person along with an explanation on affidavit to the effect that suitable action has already been taken against the erring officer due to whose laches, the complete case diary along with the injury report could not be received before the Court in time.

It is submitted by learned APP for the State that complete case diary along with the injury report has been received.

In view of the unconditional apology sought by Ms. Garima Malik, Sr. Superintendent of Police, Patna and the undertaking given before this Court that she will be more prompt in future in complying the judicial order, the show



cause filed on behalf of her is accepted and her personal appearance is dispensed with.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 12.07.2018 in a case registered for the offences punishable under Sections 341, 323, 342, 504 and 307/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Upendra Rai, recorded by S.I. Binod Kumar Nirmal, Fatuha Police Station on 23.05.2017 at 11.30 P.M., to the effect that on the aforesaid date, the informant was getting his house constructed on the share of his land, in the meantime, the son of the elder brother of the informant Manoj Rai, petitioner co-accused Vijay Rai, Judge Rai, Binod Rai came there and started abusing the informant and protested for the said construction of the house, but the informant continued the construction work. Subsequently, co-accused Vijay Rai and Judge Rai surrounded the informant and started abusing him, when the informant made protest for the same, then on the order of co-accused, Lakshmi Rai, co-accused Vijay Rai resorted to fire upon the informant, but it did not hit him.



Thereafter, the petitioner fired from the back, as a result, the informant fell down on the ground, subsequently, he was taken to NMCH for treatment.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of serious land dispute and the petitioner is the agnate of the informant. It is further submitted that there is a counter version of the occurrence being, Fatuha P.S. Case No. 179 of 2017 and the injury has been caused on the non-vital part of the body. It is further submitted that there is no accusation of repeating the blow. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that there is specific accusation of firing against the petitioner. The accusation is being corroborated by the medical evidence and injury has been found grievous.

Considering the accusation in the background of serious land dispute, there being a counter version of the occurrence, there is no accusation of repeating the blow and the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Fatuha P.S. Case No.178 of 2017.

(Dinesh Kumar Singh, J)

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