

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59378 of 2019

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

MANOJ KUMAR @ NIRALA @ MANOJ KUMAR NIRALA, aged about 46 years, Male, S/o Late Brighunath Singh, R/o Mohalla- Darvishpur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-09-2019 Heard both sides.

The petitioner apprehends his arrest in 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 as well as under Section 27 of the Arms Act.

The informant named twelve persons and alleged that the accused persons having armed with different weapons and fire arms surrounded his brother who was harvesting Masoor crops in his field and they all made indiscriminate firing. His brother started fleeing away but thereafter the petitioner Manoj Kumar and Vijay Kumar made firing causing injury on the neck and other parts of the body of the deceased. The informant also rushed to the place of occurrence. It is further alleged that Ganesh Rai and Tunni Rai also arrived there and made indiscriminate firing in



which many persons got injuries.

Learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The informant according to his own version arrived at the place of occurrence after hearing the sound of firing but he did not see who fired causing the death of his brother. On the basis of the fardbeyan of the petitioner, Maner P.S. Case No.341 of 2018 is registered against the deceased on 07.07.2018. The deceased was demanding extortion and damaged the crops standing in the field of the informant but it appears that not only the informant but also many other persons disclosed that the petitioner and others made indiscriminate firing in which the brother of the informant received firearm injuries and died and five other persons got firearm injuries. There is specific allegation against the petitioner that the firing made by the petitioner and Vijay Kumar hit the deceased killing him on the spot.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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