

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16127 of 2020

Arising Out of PS. Case No.-619 Year-2018 Thana- MANER District- Patna

1. Niranjana Kumar @ Niranjan Kumar Son of Prithawi Rai Resident of Village - Haldi Chhapra, P.S.- Maner, District- Patna
2. Suresh Rai @ Suresh Prasad Son of Late Kesho Rai Resident of Village - Haldi Chhapra, P.S.- Maner, District- Patna
3. Siya Ram Rai Son of Late Kesho Rai Resident of Village - Haldi Chhapra, P.S.- Maner, District- Patna
4. Vidhan Rai Son of Suresh Rai @ Suresh Prasad Resident of Village - Haldi Chhapra, P.S.- Maner, District- Patna
5. Chandan Kumar Son of Birendra Rai Resident of Village - Haldi Chhapra, P.S.- Maner, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Kripa Nand Jha, Advocate
For the Opposite Party	:	Mr.Ramesh Chandra, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-07-2020 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered
for the offences punishable under Section 307 and other allied
sections of the Indian Penal Code as well as 27 of the Arms Act.

Prosecution's case in short is that there was a dispute
of Rasta between informant's father-in-law and petitioner no.2
Suresh Rai. Accused persons were flowing drainage in the said



area which was restrained by her father-in-law. Thereafter, the accused persons including the petitioners, armed with various weapons, arrived at the house of the informant and started firing. It is alleged that petitioner no.2 gave Grasa blow to Mahesh Rai on his head, whereas on the order of co-accused Siya Ram Rai, co-accused Guddu Kumar fired on Shivjanam Rai on his chest. Petitioner no. 4 Vidhan Kumar fired from his Katta. Co-accused Bittu Kumar hit by butt of pistol on face and nose to Mahesh Rai. In the firing, Nand Kishore Rai also sustained fire arms injury on arms. Accused persons took away house belongings and cash Rs.50,000/-.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case. Petitioners have got no criminal antecedent. Petitioners are agnate of the informant. There is a case and counter case in which petitioners' side have also sustained injuries. Several similarly situated co-accused have already been allowed bail by different benches of this Court detailed in paragraphs 11 and 12 of the bail petition.

Considering the facts of the case, let the petitioners no. 1, 3 and 5, named above, in the event of surrender before the Court below within six weeks from the date of receipt of this



order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Danapur, Patna in Maner Police Station Case No.619 of 2018/GR No.3793/2018, subject to the conditions laid down under sections 438 (2) of the Code of Criminal Procedure.

In view of the nature of allegation, prayer for bail of the petitioners no. 2 and 4 is refused with direction to surrender and seek regular bail which would be considered on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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