

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18943 of 2020**

Arising Out of PS. Case No.-359 Year-2019 Thana- MANER District- Patna

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BHRIGU RAI @ BHIRGU RAI Son of Late Naubat Rai Resident of Village -
Khaspur, P.S.- Maner, Distt – Patna. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
Mr. Asha Kumari, Advocate
For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and Ms. Dr.
Indihar Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Maner P.S. Case No. 359 of 2019 registered for
the offences punishable under Sections 341, 323, 307, 120(B),
504/506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that on
perusal of the first information report it will appear that there are
allegations in the first information report that the petitioner and co-
accused were trying to board on the boat and when the informant
refused to give them his boat, all the accused persons started
abusing him. Co-accused Jaiguru instigated this petitioner



whereupon the petitioner fired from his pistol which hit on the right shoulder and the informant fell down.

It is submitted that there is no repetition of firing and the alleged injury has been caused on the non-vital part of the body. The petitioner is in custody in connection with this case since 09.09.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is stated that this petitioner has got two more cases on his head, however, in paragraph '3' of the present application it has been stated that he is on bail in those cases.

Considering the facts and circumstances of the case, the nature of allegation wherein the fight seems to have taken place on the demand of boat and both the parties are co-villagers and both are engaged in the business of boats and further that the petitioner has remained in custody for nine months, investigation against him is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Maner P.S. Case No. 359 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Judicial Magistrate Ist Class, Danapur, subject



to the conditions as laid down under Section 437(3) of the Cr.P.C.
as under:

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar
to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not, directly or indirectly,
make any inducement, threat or promise to any person acquainted
with the facts of the case so as to dissuade him from disclosing
such facts to the Court or to any police officer or tamper with the
evidence.

And further condition that he will abide by and observe
the guidelines and directives of the Government of India and the
State Government with regard to COVID-19 Pandemic during the
lockdown period. The authorities concerned shall take appropriate
steps to ensure such observance prior to and after release of the
petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

