

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74005 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- PHULWARIYA District- Gopalganj

MANOJ RAI @ MANOJ KUMAR RAI, aged about 49 years, Male, Son of
Late Lallan Rai, Resident of Village-Banshi Batratraha P.S.-Phulwaria,
District-Gopalganj ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Chitranjan Sinha, Sr. Adv. with M/s Ranjeet Kumar, Kundan Kumar & Ayush Kumar, Adv.
For the Opposite Party	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Mukesh Kumar. Adv.

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

ORAL ORDER

3 16-03-2020 Heard Mr. Chitranjan Sinha, learned Senior Counsel,

assisted by M/s Ranjeet Kumar, Kundan Kumar & Ayush

Kumar the learned counsel for the petitioner and learned

Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with Phulwaria
P.S. Case No. 50 of 2019, registered under Sections 447, 342,
325, 307, 504, 506 and 34 of the Indian Penal Code and 27 of
the Arms Act.

The accusation is that in the evening of 23.03.2019,
the informant, Tuntun Rai, was engaged to plough the field
through tractor, which was purchased from Champa Devi. At
that time, Manoj Rai (petitioner), his brother, Vinod Rai,
Shivam Rai and Vipul Rai came and forbid to plough the field.



When, informant made protest, then, Vinod Rai and Vipul Rai caught hold to Chandan Rai, nephew of the informant, and ordered to kill him, on which Manoj Rai (petitioner) took out pistol from waist and fired at Chandan Rai, nephew of the informant, causing injury at his belly, thereafter, all fled away from there. Chandan Rai, nephew of the informant, was rushed to Hathuwa Hospital from where he was referred, seeing his serious condition, to Gorakhpur.

Learned counsel appearing on behalf of the petitioner submits that, in fact, out of 12 katha of plot no. 462, covering under khata no. 21, in the village of Bansibatraha, 3 katha and 1 katha land was purchased by the petitioner. Regarding some land of the said plot, the informant and his family members also entered into agreement to sell and on that very basis prosecution party tried to plough the purchased land of the petitioner in which occurrence of marpeet took place and firing was also made in which petitioner also sustained injury. Further, submission is that regarding the purchase of 3 katha and 1 katha land of plot no. 462 by the petitioner has also come in the statement of Janak Rai, grand-father of informant, which would appear from paragraph 106 of the case diary. The petitioner is in custody since 19.9.2019.



Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Phulwaria P.S. Case No. 50 of 2019 to the satisfaction of the Chief Judicial Magistrate, Gopalganj.

(Rajendra Kumar Mishra, J)

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