

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13092 of 2020

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

Paras Rai, Son of Late Shivpujan Rai, Resident of Village- Sherpur, P.S.-
Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan, Advocate.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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

ORAL ORDER

6 19-02-2021 Heard learned counsel for the petitioner, learned
counsel appearing for the informant and the learned A.P.P.
appearing for the State.

The petitioner apprehends his arrest in connection
with Maner P.S. Case No. 590 of 2019, registered under
Sections 147, 148, 149, 387, 307, 302, 504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

The accusation is that informant, Mithesh Kumar,
after finishing the construction work in the evening of
27.11.2019, was paying the wages of the labourers. At that time,
25 persons including the petitioner and 20 to 25 unknown
variously armed with weapons came there and started to damage
the newly constructed wall. When the informant made protest



then Himanshu Rai fired through rifle causing injury at the belly of his nephew, Ranjan Kumar and Ramakant Rai also fired through rifle, which hit at the chest of his labourer, Harendra Rai, who fell down and died on the spot. Thereafter, Jai Prakash Ray also fired through licensee rifle at his cousin, Upendra Narayan Rai and Ravindra Rai also fired through licensee rifle at his another cousin, Raj Kumar. At that time, Ritik Kumar snatched the cash of Rs.30,000/- from the pocket of the informant.

Learned counsel for the petitioner submits that petitioner and the informant are co-villagers and he has falsely been implicated in the present case due to ulterior motive. Further submission is that while the petitioner is named in the FIR along with 24 others but no specific overt act has been attributed against him, in fact, petitioner is said to be the simply the members of unlawful assembly. It is further submitted that, in fact, occurrence of *Marpit* took place in between two groups and police also lodged Maner P.S. Case No. 589 of 2019, on 28.11.2019, making accused in both sides including the petitioner, as detailed in paragraph 7 of the petition but in that FIR, there is no specific overt act against the petitioner. Further submission is that petitioner has no criminal antecedent except



Maner P.S. Case No. 589 of 2019, which is lodged by the police itself.

On the other hand, learned counsel for the informant submits that it would appear from the FIR that at the time of occurrence, this petitioner was in possession of pistol.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Danapur, in connection with Maner P.S. Case No. 590 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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