

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.519 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- BIHTA District- Patna

Manish Rai @ Manish Raj Son of Ram Babu Rai Resident of Village- Bela,
Police Station - Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the informant	:	Mr. Kameshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-04-2021 Heard learned counsel for the petitioner, informant and
the learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Bihta PS Case No 287 of 2020, instituted for the offence under Sections 114, 147, 148, 149, 341, 313, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is of firing upon three persons, by three other co-accused persons. The petitioner is said to be one who was fleeing away after the occurrence along with firearms.

It is submitted by the petitioner's counsel that even as per the prosecution case, firing is not attributed against the petitioner and there is subsisting land dispute which forms the basis of implication of the petitioner in this case as well as earlier case, namely Bihta PS Case No. 366 of 2018 by the same



prosecution party. The petitioner, under such circumstances, is in custody since 13.07.2020.

The learned counsel for the informant and APP for the State have opposed the prayer for bail. It is submitted that even as per the prosecution case common intention is apparent from the fact that petitioner was seen fleeing away from the place of occurrence and he is not entitled to the benefit of the fact that specific firearm injury is not attributed against him.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Danapur, Patna, in connection with Bihta PS Case No. 287 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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