

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27128 of 2022

Arising Out of PS. Case No.-1013 Year-2021 Thana- MANER District- Patna

HIMANSHU RAI, S/o Late Modi Rai R/o village- Chhitnawan, P.S.- Maner,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamlesh Prasad Yadav, Advocate
For the informant	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner, the State and
the learned counsel for the informant.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Maner P.S. Case No.1013 of 2021 instituted under Sections
147,148,149,341,323,307,379,504,506 of the Indian Penal Code
and 27 of the Arms Act.

As per the FIR, it is alleged that the present petitioner
was pressurizing the informant side to withdraw their candidate
and as the informant refuse to heed to his request, it is alleged
that on 10.12.2021, in the night, all the accused persons armed
variously came and resorted to firing. So far as the petitioner is
concerned, it is alleged that he opened fire which hit the right
hand of the informant. The injured persons were rushed to the



P.M.C.H. whereafter the FIR was lodged.

Learned counsel for the petitioner submits that the said injury has been found to be simple in nature for which he has already suffered by being in custody since 11.12.2021 (as stated in para-9 of the bail application). There has been a counter case also vide Maner P.S. Case No.1032/2021 dated 16.12.2021, in which he had also suffered injury.

Learned counsel for the informant on the other hand submits that the petitioner is a known criminal having nine cases under his belt. Not only that, after this FIR, his sons regularly threatened the informant's side to withdraw the case, failing which they will have to face dire consequences. Accordingly, a petition has also been preferred before the Rural Superintendent of Police, Patna (East). He as such submits that granting bail to the petitioner may again put a question mark on the safety of the informant and his family members.

Considering the fact that the injury has been found to be simple in nature, the petitioner is in custody since 11.12.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, in view of the fact that the petitioner has criminal antecedent as also that his family members have allegedly threatened the family members of the



informant, certain strict conditions are necessary to be imposed in this case.

Let the petitioner 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 Maner P.S. Case No.1013 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Danapur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of Trial to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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