

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46672 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- MANER District- Patna

Ajay Kumar @ Ajay Rai @ Vishwanath Rai S/o Premdhar Rai R/o village-
Sherpur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47700 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- MANER District- Patna

PAWAN RAI S/o Premdhar Rai R/o- Sherpur (Brahamchari), Grapar, P.S.-
Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46672 of 2022)

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

Mr.Akash Deep, Advocate

For the Opposite Party/s: Mr.Nirmal Kumar Sinha, APP

For the Informant Mr. Advocate

(In CRIMINAL MISCELLANEOUS No. 47700 of 2022)

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Dr. Indihar Kumari, APP

For the Informant Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022

In Cr. Misc. No.46672 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State as
well as learned counsel for the Informant.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Maner P.S. Case No. 141 of 2022 registered for the offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 15.04.2022.

The allegation against the petitioner is to open fire upon informant, along with other co-accused persons, causing fire arm injury, having intention to cause his death.

Learned counsel appearing on behalf of the petitioner submitted that specific allegation of firing is available against co-accused, Pawan Rai, not against this petitioner. It is submitted that allegation against this petitioner as per face of FIR is appearing very much general and omnibus. It is further submitted that similarly situated co-accused person, Ashok Rai, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 46420 of 2022 vide order dated 05.12.2022. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel for the informant, oppose the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation against this petitioner is very much general and omnibus coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maner P.S. Case No. 141 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

In Cr. Misc. No.47700 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State as well as learned counsel for the Informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Maner P.S. Case No. 141 of 2022 registered for the offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.



The accused/petitioner is named in the F.I.R. and is in custody since 15.04.2022.

The allegation against the petitioner is to open fire upon informant, along with other co-accused persons, causing fire arm injury, having intention to cause his death.

Learned counsel appearing on behalf of the petitioner submitted that from the face of FIR, it appears that alleged firing was made on the right leg of the informant, which is sufficient to suggest that petitioner was not under intention to cause death. It is submitted that implication is false, due to long standing enmities, due to litigating background. It is further submitted that petitioner alleged to be involved in one (1) more criminal case, where final form after investigation has been submitted and, as such, it can be safely said that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, oppose the prayer of bail.

In view of the facts and circumstances, as mentioned above, and by taking note of injury which appears on non-vital



parts of the body, where petitioner is in custody since 15.04.2022 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maner P.S. Case No. 141 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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