

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64591 of 2021

Arising Out of PS. Case No.-154 Year-2017 Thana- DIGHWARA District- Saran

MANOHAR RAI Son of Late Tipan Rai, Resident of Village - Shankarpur,
P.S.- Sahpur, Distt.- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 11-10-2022 Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dighwara P.S. Case No. 154 of 2017 lodged under Sections 302,
147, 148 and 149 of the Indian Penal Code read with section 27
of the Arms Act.

As per prosecution while son of the informant sailing
the boat, several accused persons including the petitioner made
indiscriminate firing causing death of informant's son.

Learned counsel for the petitioner submits that name
of the petitioner is there in the F.I.R. but there is nothing specific
rather general and omnibus allegation are there against all the
accused persons. He further submits that there is only two gun
shot injury were found on the body of the person whereas
allegation in the F.I.R. is against 9 persons. Learned counsel

further submits that other similarly situated co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide orders dated 20.04.2018 and 10.10.2018 passed in Cr. Misc. Nos. 12600 of 2018 and 55085 of 2018. On the specific query that whether charge has been framed in this case or not, learned counsel is not in a position to inform the same.

Learned counsel for the State opposes the prayer for bail and states that there is criminal antecedent of the petitioner. Therefore, without framing of charge, the petitioner may not be released.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted that petitioner may renew his prayer for bail after 3 months from the date of framing of charge in this case and the Trial Court is directed to release the petitioner on bail imposing its own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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