

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29153 of 2023

Arising Out of PS. Case No.-35 Year-2017 Thana- BACHHWARA District- Begusarai

Manoj Ray Son Of Ram Karan Ray R/O Village- Chamtha Gope Tola, P.S.
Bachhwara, Dist. Begusarai Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 13.12.2022 in connection with Bachhwara P.S. Case No. 35 of 2017, F.I.R. dated 11.03.2017 for the offences punishable under Sections 147, 148, 149, 307, 379, 506 and 326 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the accused persons were filling a drainage so the informant objected, then Saroj Rai shot at him which hit his right thigh and this petitioner also shot from the country made pistol causing firearm injury in his leg.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation as alleged in the F.I.R, the petitioner has fired upon Pappu Ray due to which he sustained injury in his leg and the injury report of



Pappu Ray suggests that he has received firearm injury on his leg which is not the vital part of the body and the said report also suggests that the injury is simple in nature caused by firearm. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Saroj Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 08.05.20219 passed in Cr. Misc. No. 12465 of 2019. The petitioner is in custody since 13.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim and apart from that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the four cases.

6. Considering the aforesaid facts and circumstances, 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 Sub Judge-VII-cum-Additional Chief Judicial Magistrate-VI, District- Begusarai in connection with Bachhwara P.S. Case No.



35 of 2017, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

