

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76522 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- RAHUI District- Nalanda

Munna Kumar @ Munnu Prasad son of Jaynandan Prasad Village- Tina Ps-
Chandi Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Rahui
(Bena) P.S. Case No. 165 of 2023 instituted for the offence
under Sections 341, 323, 307, 302, 34 of the Indian Penal Code
and 27 of the Arms Act.

3. As per the prosecution story, there was dispute
because of land and the grand-sons were always pressuring
‘Ram Raksha Choudhary’ to part with the said land. On the
fateful day, allegation is tat they came to the house, assaulted
both the grand-father and grand-mother forcing them to execute
the sale-deed and when he refused the allegation is that ‘Monu
Kumar’ and ‘Vikash’ opened fire on the grand-father (Ramraksh



Choudhary). When the daughter Sunaina Devi rushed to caught hold of them allegation against this petitioner is of opening fire which however passed her head. Thereafter, they escaped on two motorcycles. Accordingly, the FIR.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20-08-2023. Petitioner has no criminal antecedents.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is subsisting land dispute between the parties, due to which petitioner has been dragged in this case. Other co-accused person has been granted bail by Co-ordinate Bench of this Court vide order dated 29-08-2023, passed in Cr. Misc. No. 56410 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity, nature of allegation and the fact that there is subsisting land dispute between the parties, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rahui (Bena) P.S. Case No. 165 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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