

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13778 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

Manish Kumar @ Toffi Rai @ Toffi Yadav son of Anil Rai @ Anil Yadav
Mohalla- krishna toli ward no-3 brij bihari gali p.s- Brahamapura district -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Brahmpura P.S. case No. 35 of 2023 instituted for the offences
under Sections 307/34 of the Indian Penal Code and 27 of the
Arms Act.

3. Prosecution case, in short, is that on the alleged date
and time of occurrence, the petitioner fired two bullets on the
mother of the informant and fled away on motorcycle with
another unknown miscreant. It is further alleged that there was
previous enmity between the petitioner and the brother of the



informant and the petitioner used to threaten him with dire consequences.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted on perusal of the FIR it appears that in the so called firing, two bullets were fired by the petitioner but in the seizure list, three empty cartridges have been shown to have been recovered from the place of occurrence which raises doubt over the prosecution case. There is previous dispute between the brother of the informant and this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.07.2023 and has eighteen criminal antecedents.

5. On the other hand, learned A.P.P. for the State submitted that there is direct allegation against the petitioner of firing on the mother of the informant and, moreover, the petitioner has eighteen criminal antecedents. Learned APP, therefore, urged that petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, direct allegation against the petitioner, gun shot injury supported by the injury report, I am not inclined to grant bail to the petitioner.



7. The prayer is rejected. The petitioner is, however, given liberty to pray for regular bail after framing of charge before the trial court and the same shall be considered on its own merit without being prejudiced by the present order.

(Rudra Prakash Mishra, J)

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